

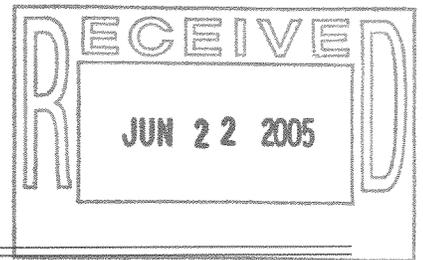
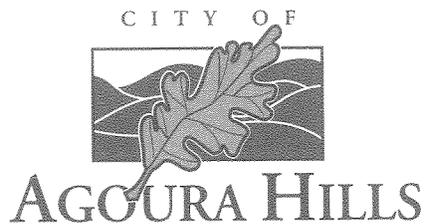
**CITY OF AGOURA HILLS**  
**COMMENTS:**

**CITY COUNCIL RESOLUTION,**

**DEIR COMMENTS,**

**RECOMMENDATIONS FOR  
CONDITONAL USE PERMIT  
CONDITIONS,**

**RECOMMENDATIONS FOR  
PUBLIC WORKS CONDITIONS,**



*"Gateway to the Santa Monica Mountains National Recreation Area"*

June 21, 2005

County of Los Angeles  
Regional Planning Commission  
320 West Temple Street  
Los Angeles, CA 90012

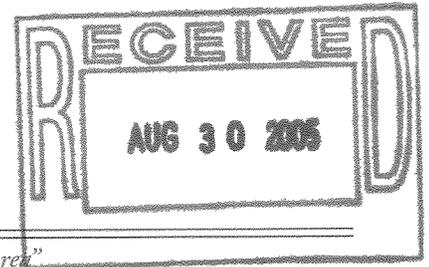
SUBJECT: COUNTY PROJECT NO. 98-062, CUP NO. 98-062, SCH NO. 1998101060 --  
HESCHEL WEST SCHOOL PROJECT REVISED DEIR

Dear Chairman Rew and Commissioners:

Thank you for the opportunity to address the County Regional Planning Commission on June 15 regarding the proposed Heschel West School project. We appreciate your consideration of our comments and especially your decision to continue the item until September 7 in order that additional information can be provided by the applicant and that further coordination occurs between City and County staff regarding technical issues. The City of Agoura Hills staff stands ready to continue discussions with County staff to resolve the technical issues outlined in our comment letters.

Sincerely,

Ed Corridori  
Mayor



*"Gateway to the Santa Monica Mountains National Recreation Area"*

August 29, 2005

Chairman Wayne Rew and Members of the  
County of Los Angeles Regional Planning Commission  
320 West Temple Street  
Los Angeles, CA 90012

Subject: HESCHEL WEST SCHOOL

Honorable Chairman and Members of the Commission:

At its regular meeting of August 24, 2005, the Agoura Hills City Council, on a 3-2 vote, adopted the following motion regarding the Council's further position on the Heschel West School project and directed staff to convey the Council's position for Regional Planning Commission's consideration at your continued meeting on September 7, 2005:

**That the City Council reaffirms the three actions taken by the Council at its regular meeting of June 8, 2005 as expressed below in the letter from Mayor Ed Corridorri to the County of Los Angeles Regional Planning Commission, dated June 13, 2005:**

1. The County Regional Planning Commission public hearing on the Heschel West School project should be continued until City and County staff, along with the applicant, can meet to further discuss and resolve important technical items regarding the project and DEIR, particularly traffic issues.
2. The City Council opposes the Heschel West School project as currently proposed, based on the deficiencies in the DEIR.
3. The letters prepared by the City Planning and Community Development Department staff (dated May 16, 2005) and by the City Attorney (dated May 18, 2005) regarding the DEIR reflect the position of the City Council regarding adequacy of the DEIR.

**That the City Council directs staff to transmit a letter to the County Regional Planning Commission indicating the City Council stands by its letter dated June 13, 2005, but wishes to amplify its position with the addition of the following text:**

That the applicant and the County of Los Angeles continue to work with the City of Agoura Hills to find a mutually agreeable configuration of the Project that is viable for the applicant, appropriate for the community as a whole, and that does not create the risk of legal exposure for the City.

To that end, the City of Agoura Hills seeks a negotiated solution the parties agree will balance the mitigation of environmental, neighborhood and traffic impacts with the applicant's reasonable needs for the project to achieve viability.

Without limiting the City staff's professional obligations as it pertains to planning, environmental, public works, safety and legal issues, the City Council seeks to continue to work together with the applicant and the County of Los Angeles, including Supervisor Yaroslavsky's Office, to incorporate the following City objectives into the Project, if one is approved:

1. Effective mitigation of traffic problems resulting from the project, at no expense to the City, preferable installed and accepted before phase one of the project opens. If full construction of traffic mitigation measures is infeasible prior to the opening of phase one, the applicant and the County may implement mandatory phasing that [1] ensures all traffic from the project is mitigated as the number of trips at the school increases; [2] incorporates a plan for construction-related traffic that minimizes construction vehicles in the adjacent residential neighborhood; [3] meets with the approval of the City's Traffic Engineer; [4] meets with the approval of the Los Angeles County Fire Department, and, as applicable, [5] meets with the approval of CalTrans.
2. An adequate buffer between the school and its residential neighbors that would protect the continued reasonable quiet enjoyment of the adjacent residential properties.
3. A permanent restriction, recorded in favor of the City and the county, on [1] the frequency of special events at the school; [2] the maximum number of attendees at each event, and [3] the level of noise generated during these events.

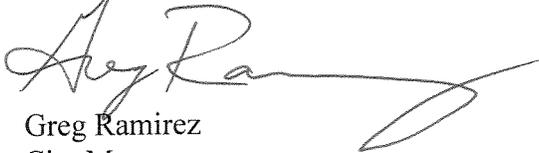
Chairman Wayne Rew and Members of the  
County of Los Angeles Regional Planning Commission  
Los Angeles, CA 90012  
August 29, 2005  
Page 3 of 3

**That the City Council affirms the following three letters from staff reflect the position of the City Council of the City of Agoura Hills, as it pertains to the DEIR and the project:**

- Letter from City Attorney to County Regional Planning Commission, dated July 14, 2005
- Letter from City to County Regional Planning Commission, dated August 8, 2005
- Letter from City to County staff Kim Szalay, dated August 9, 2005, including the memorandum from Assistant City Manager Jim Thorsen to Community Development Director Mike Kamino, dated August 11, 2005.

If you should have any questions, please feel free to contact me at 818-597-7311.

Sincerely,



Greg Ramirez  
City Manager

Attachments:

- Letter from Planning and Community Development Director to County staff Daryl Koutnik, dated May 16, 2005
- Letter from City Attorney to County staff Daryl Koutnik, dated May 18, 2005
- Letter from Mayor to Regional Planning Commission, dated June 13, 2005
- Letter from City Attorney to Regional Planning Commission, dated July 14, 2005
- Letter from Planning & Community Development Director to Regional Planning Commission, dated August 8, 2005
- Letter from Planning & Community Development Director to County staff Kim Szalay, dated August 9, 2005, including the memorandum from Assistant City Manager Jim Thorsen to Planning & Community Development Director Mike Kamino, dated August 11, 2005.

cc: County Planner Kim Szalay

# MEMORANDUM

**DATE:** AUGUST 11, 2005

**TO:** MIKE KAMINO, DIRECTOR OF COMMUNITY DEVELOPMENT

**FROM:** JIM THORSEN, ASSISTANT CITY MANAGER

**SUBJECT:** PUBLIC WORKS CONDITIONS OF APPROVAL FOR HESCHEL WEST SCHOOL, COUNTY PROJECT NO. 98-062; LOCATED IN UNINCORPORATED LOS ANGELES COUNTY, NORTH OF THE 101 FREEWAY AND ABUTTING THE EASTERLY BOUNDARY OF THE CITY OF AGOURA HILLS

Attached are the recommended Conditions of Approval from the Department of Public Works for the aforementioned project.

## PUBLIC WORKS' CONDITIONS:

### General

1. All improvement plans, including, but not limited to, street, drainage, signal, and striping/signage plans, for the entire project must be submitted as one package. This package must also include all supporting studies. All improvement plan sheets shall be 24" x 36" and must have the City's standard signature blocks and be legibly drawn to ensure proper reproduction and adequate record keeping. All lettering on plans shall be a minimum of 80 CL (.08 inch) in size to ensure proper reproduction and microfilming. All original plans shall be drawn in ink. All plans shall be prepared and signed by a California State Registered Civil Engineer.
2. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.
3. The applicant shall obtain and pay all costs of acquiring any off-site real property and easements required in connection with this project prior to issuance of a grading permit.
4. The applicant shall enter into a construction agreement with the City, and shall post the necessary improvement securities for all construction work within the public right-of-way, public/utility easements, and for all on-site grading.

5. All Record Drawings ("As-Built" drawings) and supporting documentation shall be submitted to the Department of Public Works prior to scheduling the project's final inspection.
6. All block walls and retaining walls shall be limited to six feet in height.

### **Grading**

7. All grading shall conform to City's Grading Ordinance, Chapter 33 of the Uniform Building Code as modified.
8. A site paving/drainage/grading plan shall be submitted for review and acceptance by the City Engineer. The plans, among other details, shall show existing and proposed contours, proposed utilities, existing and proposed easements, storm water facilities and facilities for the handicapped. The grading plan shall be accompanied by a Soils Report prepared in accordance with the Agoura Hills Guidelines for geotechnical/geological reports. Prior to the issuance of a grading permit the following must be satisfied; the grading plan has been reviewed and accepted by the City Engineer, the applicable plan check, inspection and permit fees have been paid and the grading security has been posted.
9. For any grading operations during the period November 1 and April 1, of each year, the applicant shall submit a wet weather erosion control plan for review and acceptance by the City Engineer.
10. All off-site work shall require written permission from the affected property owner prior to beginning said work.
11. The applicant shall submit to the City Engineer for review and approval the haul route for fill/excavation material.

### **Drainage**

12. A drainage study shall be prepared by a California State Registered Civil Engineer for the review and acceptance by the City Engineer. Hydraulic design shall conform to the current Hydraulic Design Manual of Los Angeles County. Flows shall remain in their historical drainage pattern so as not to impact neighboring properties.
13. Drainage improvements on private property shall be continually maintained, repaired, and replaced by the property owner. The applicant shall obtain appropriate permits from regulating agencies prior to drainage improvements within any streambed.
14. All storm drain improvements within the City limits shall be reviewed and approved by the City Engineer and Los Angeles County Public Works. Prior to acceptance of the improvements, the applicant shall transfer all storm drain maintenance responsibilities over to the Los Angeles County Public Works Department.

15. Prior to the issuance of a grading permit, the applicant shall submit a Standard Urban Storm Water Mitigation Plan (SUSWMP) that shall be subject to approval by the City Engineer. The applicant shall incorporate the Standard Urban Storm Water Mitigation Plan for commercial projects as outlined in the Model Program for Stormwater Management Within the County of Los Angeles. This will require detention and treatment of the first 0.75 inches of surface runoff during a rainstorm.
16. The SUSWMP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants and erosion in storm water discharges from the construction site during the construction period and after construction as required.

### **Streets/Traffic**

17. Prior to issuance of any building permit, the applicant shall pay the full amount of the Arterial Street System Development Fee (TIF) specified in the City of Agoura Hills Municipal Code. The estimated fee of \$1,239,520 is based on 508 pm peak trips at a rate of \$2,440 per trip. Actual fees will be determined at the time of building permit issuance. The applicant is eligible to receive reimbursement of the TIF payment for all improvements that are on Palo Comado Canyon Road and at the interchange. The applicant shall submit all invoices paid demonstrating actual costs incurred to construct the improvements. The City Engineer shall review and approve all eligible reimbursement costs.
18. The applicant shall design and construct the westerly one-half (32 feet) of Palo Comado Canyon Road improvements from the intersection of Chesebro Road/Driver Avenue to the existing improvements that abut the existing service station. The design shall be completed and accepted by the City of Agoura Hills prior to issuance of a grading permit. The construction improvements shall be completed and accepted prior to occupancy of any structure on the project site.
19. Prior to issuance of a grading permit, the applicant shall design street improvements at the Canwood Street/Chesebro Road/Driver Avenue/Palo Comado Canyon Road intersection. The street improvements shall include the construction of an eastbound and westbound exclusive left turn lane in addition to a shared through/right turn lane on Driver Avenue and Palo Comado Canyon Road. These improvements may require the road widening on the north side of Driver Avenue west of Chesebro Road. Said design shall be reviewed and approved by the City of Agoura Hills. Prior to occupancy of any structure on the project site, the applicant shall fully construct and have accepted by the City of Agoura Hills, said street improvements at Canwood Street/Chesebro Road/Driver Avenue/Palo Comado Canyon Road intersection.
20. Prior to issuance of a grading permit, the applicant shall design a roundabout at the intersection of the U.S. 101 northbound freeway ramp and Palo Comado Canyon Road/Canwood Street. Said roundabout design shall be reviewed and approved by

Caltrans and the City of Agoura Hills prior to issuance of said grading permit for the project. The applicant shall be solely responsible for acquiring any off-site right-of-way as necessary to construct the full improvements for the roundabout. The applicant shall dedicate to the appropriate agency (Caltrans or City of Agoura Hills) the right-of-way for roundabout. Prior to occupancy of any structure on the project site, the applicant shall fully construct and have accepted by Caltrans and the City of Agoura Hills the roundabout street improvements.

21. In lieu of the three previous conditions (Conditions no. 18, 19, and 20) and prior to issuance of a grading permit for the site, the applicant shall:

- Design a new intersection (mid-block) on Palo Comado Road approximately 200 feet east of Chesebro Road. Said design shall be reviewed and approved by the City of Agoura Hills. Said road improvements shall include a realignment of the existing southerly road section of Chesebro Road/Canwood Street (south of Driver Avenue) to align with the applicants proposed driveway. Said realignment will require construction of curbs, gutter, sidewalk, pavement, signing and striping and possible utility relocation. The applicant shall be solely responsible for acquiring any off-site right-of-way as necessary to construct the full improvements for the realigned roadway and then have said acquired property dedicated to the City of Agoura Hills. The applicant shall fully construct the mid-block improvements and street realignment prior to occupancy of any structure on the project site.
- Design full width street improvements for Palo Comado Canyon Road from the existing intersection of Driver Avenue/Chesebro Road to the US101 Freeway offramp. Said improvements shall include a 64-foot travel way within the existing right-of-way. The applicant shall fully construct the Palo Comado Canyon Road improvements prior to occupancy of any structure on the project site.
- Design a traffic signal for both the new mid-block intersection and for the intersection of US101 westbound freeway ramp/Palo Comado Canyon Drive. Said signal design shall be reviewed and approved by the City of Agoura Hills and Caltrans. The applicant shall fully construct both signals prior to occupancy of any structure on the project site.

The applicant shall prepare all documentation in order to vacate any surplus right-of-way as determined by the City to include: (1) Canwood Street between Palo Comado Canyon Road and the easterly terminus of Canwood Street and (2) Chesebro Road south of Driver Avenue. The applicant shall prepare all legal descriptions, exhibits, and submit title information.

22. The applicant shall design and construct a new signal at Chesebro Road and US 101 eastbound ramps at Dorothy Drive. The design shall be reviewed and approved by Caltrans and the City of Agoura Hills prior to issuance of a grading permit. The applicant shall fully construct the signal prior to occupancy of any structure on the project site.

23. The applicant shall pay to the City of Agoura Hills a pro-rata fair share of a traffic signal for both the impacted intersections of Laura La Plante Drive/Agoura Road and also Chesebro Road/Palo Comado Canyon Road (south of the US101 freeway). Said pro-rata fee shall be based upon 25% of the cost of a signal as calculated by the City of Agoura Hills .
24. All walls adjacent to public right-of-way shall be located entirely on private property.

**Utilities**

25. The applicant shall underground all existing overhead utilities within the public right-of-way for those street areas that are reconstructed by this project. This shall include any utilities along the westerly half of Palo Comado and also any portion of the realigned Canwood Street south of Driver Avenue.
26. The applicant shall relocate those underground facilities such as water and sewer to coordinate and align with the construction of new street improvements to be constructed by the project. This shall include any utilities along the westerly half of Palo Comado and also any portion of the realigned Canwood Street south of Driver Avenue.



---

*"Gateway to the Santa Monica Mountains National Recreation Area"*

---

August 9, 2005

Kim Szalay  
County Regional Planning Department  
Hall of Records, Room 1390  
320 West Temple Street  
Los Angeles, CA 90012

SUBJECT: COUNTY PROJECT NO. 98-062, CUP NO. 98-062, SCH NO. 1998101060;  
HESCHEL WEST SCHOOL PROJECT REVISED DEIR

Dear Kim:

As we discussed at our last meeting on July 13, 2005, this letter is a list of the conditions for the proposed Heschel West School Project that the City is requesting the County to incorporate into the project as part of any approval. Items #1 through 7 refer to impacts that have been addressed in the Draft Environmental Impact Report (DEIR), but for which additional measures are necessary to ensure environmental impacts are minimized. The second grouping starting with Item #8 pertain to issues that we believe have not been adequately addressed in the DEIR. These are items that warrant additional CEQA impact analysis. However, in the absence of that additional analysis, we request that conditions be placed on the project to ensure that the project does not result in significant environmental impacts. Where appropriate, we have identified where these suggested changes might fit in the draft list of conditions prepared by your department and provided as part of the staff report for the County Regional Planning Commission hearing on June 15, 2005. In addition, attached hereto is a memo from Assistant City Manager Jim Thorsen (dated August 10, 2005) with recommended Public Works conditions.

1. Add the following sentence to Condition 28i, "...and shall also be coordinated with the City of Agoura Hills."
2. Add the following sentence to Condition 28k, "Prior to the issuance of the temporary use permit, the Director of Planning shall coordinate with the City of Agoura Hills."
3. Amend Condition 28k to allow no more than 24 special events that could exceed 150 attendees but that would be accommodated with the proposed 223 onsite

parking spaces, and no more than four additional events with up to 1,500 attendees. This is consistent with what the applicant has indicated in the DEIR and in the JMBM letter to the County Regional Planning Commission dated June 14, 2005. This would help to ensure that traffic congestion and parking constraints are kept to a minimum.

4. Add a condition incorporating the components of the applicant-sponsored Transportation Demand Management Plan, as well as the requirement for a carpool plan mandating a minimum of 25 percent participation (see Condition 28c).
5. A condition should be added that stipulates that no construction traffic shall be allowed on residential roads, including Chesebro Road, unless approved by the City of Agoura Hills.
6. A condition should be added that requires that adequate vegetative visual screening of the development of each proposed project phase shall be installed prior to or at the same time as the completion of each particular phase.
7. Add to Condition 28n the following: Low level lighting shall be employed to the extent feasible. Motion sensor devices shall be installed on all security lighting. Wattage shall be less than 0.05, except that security lighting shall be less than 0.10 and walkway lighting less than 0.08. Low decorative walls or vegetated hedges shall be used along the perimeter of the surface parking lot nearest the homes along Chesebro Road to shield headlights from illuminating or creating glare in offsite areas.
8. Add to Condition 28q the requirement that a minimum 100-foot buffer area between the project development area and the existing homes along Chesebro Road be dedicated to open space in some form of legal instrument, such as a deed restriction or conservation easement, with evidence of the recordation provided to the County prior to issuance of permits. As currently presented by the applicant and in the DEIR, there is no guarantee that this "buffer" would indeed remain an open space buffer. Yet, the DEIR continues to refer to this area as a "buffer" separating the existing homes from the proposed development.
9. Add to Condition 28l the requirement that no amplified sound shall be permitted at any time. The DEIR does not contain sufficient analysis and discussion of the types of amplified sound, the times, and the frequency, so this condition is needed to ensure that noise impacts are not significant.
10. Because we do not believe that potential aesthetic impacts to adjacent homes have been adequately assessed and mitigated in the DEIR, we request that you add a condition requiring the landscape plan for the portion of the site bordering Palo Comado and Chesebro Roads to be submitted for review and approval to the City of Agoura Hills prior to the County issuing any permits. The plan shall include the use of native species and oak trees that provide sufficient visual screening from the

existing homes in Old Agoura to the proposed buildings. The plan shall be prepared by a qualified landscape architect and/or restoration biologist well versed in oak trees and native species.

11. The assessment of potential wetland impacts is inadequate in the DEIR. The following condition is recommended to ensure that impacts are properly assessed prior to any earthmoving activity occurring: The wetlands and other potential riparian habitat onsite, and potential impacts from the proposed project, shall be further assessed by a qualified biologist, and potential U.S. Army Corps of Engineers, California Department of Fish and Game, and any other relevant agencies' jurisdiction determined. Confirmation of jurisdictional determination by these agencies shall be provided to the County. If there are impacts to these areas, the applicant shall prepare a restoration plan, including maintenance and monitoring components. The restoration plan shall be submitted for review and approval by the County prior to issuance of a Grading Permit.
12. Because noise issues have not adequately been assessed, a condition should be added that limits the hours of evening and early morning events so that noise impacts on adjacent neighbors are minimized. Similarly, a condition should be added that requires the applicant to provide a summary of anticipated special events and number of attendees expected, along with noise attenuation measures to be employed for the particular types of events, to the County for review and approval prior to issuance of a Certificate of Occupancy.

Thank you for the opportunity to provide recommendations on the conditions of approval for this project. Should you have any questions or need additional information, please contact Allison Cook of my staff at (818) 597-7310.

Sincerely,



Mike Kamino  
Planning and Community Development Director

Cc: Daryl Koutnik – County



---

*"Gateway to the Santa Monica Mountains National Recreation Area"*

---

August 8, 2005

Wayne Rew, Chairman  
Los Angeles County Regional Planning Commission  
Hall of Records, Room 1390  
320 West Temple Street  
Los Angeles, CA 90012

SUBJECT: COUNTY PROJECT NO. 98-062, CUP NO. 98-062, SCH NO. 1998101060;  
HESCHEL WEST SCHOOL PROJECT REVISED DEIR

Dear Chairman Rew and Honorable Commissioners:

This letter is a response to the letter sent to you by Jeffer Mangels Butler & Marmaro (JMBM) on behalf of the Heschel West School, dated June 14, 2005, of which the City received a copy (attached). It appears that the purpose of the JMBM letter was to respond to the issues raised by the City in two letters (dated May 16, 2005 from myself and May 18, 2005 from the City Attorney) regarding the project's Draft Environmental Impact Report (DEIR). These two City letters were submitted to the County as part of the DEIR public review period.

The JMBM letter raises some issues that we would like to clarify. For the most part, the JMBM letter dismisses much of the City's comments regarding adequacy of the CEQA document, and often only addresses small portions of entire comments. We believe that adequate responses to our comments still need to be provided. The following paragraphs indicate where additional information is still warranted to create an adequate CEQA document. However, please note that the following text is not a complete response to all of the issues raised in the JMBM letter. Rather, we have focused on the most important items. In any case, we understand that, pursuant to CEQA, formal responses to all public comments received on the DEIR will be prepared by the County or by the DEIR consultant on behalf of the County.

A1. We appreciate that Exhibits A and B have been prepared, which identify the phasing of the project's development and traffic measures. The exhibits should be included as part of the DEIR. However, the letter does not respond to additional requests for clearer project information that the City made as part of this same Comment 1. They are as follows:

*The specific development data of each phase (particular buildings/facilities and other improvements or infrastructure with square footage, location and height of each) should be clearly outlined in a table format. An exhibit highlighting the specific development in each phase would also be extremely useful. In order to accurately analyze potential impacts as the project is gradually developed through these phases, a separate impact/mitigation measure discussion by environmental issue area should be provided for each phase, and assessed cumulatively as the phases proceed. This is of particular importance, since there is no guarantee that subsequent phases would actually be constructed. Therefore, each phase's impacts should be mitigated at the time of implementation. Equally important is identifying who will be responsible for implementing and paying for these mitigations.*

A2. Additional information regarding the types of events is provided and appreciated. However, the letter does not respond to the City's request in Comment 2 for a clear impact analysis of these special events, as noted below:

*The DEIR needs to specifically address... how these special events would impact noise, parking and traffic in the area. The estimated type, size, frequency and location of the special events needs to be stipulated and parameters/restrictions placed around the events to ensure that there are no adverse significant impacts. Page 2.0-10 notes that evening events attracting more than 150 persons would be limited to 24 occurrences annually. This equates to every other week, which is a substantial amount of large special events. No mention is made of the limitations on daytime events attracting more than 150 persons. Therefore, it is assumed that the daytime large events would be in addition to these evening events.*

A5. Neither the DEIR Figure 2.0-5 nor the additional Exhibit C included as part of the JMBM letter identify the portable buildings.

A6 and A10. We again request that the text on page 3.0-6 of the DEIR "Surrounding Land Use" strike the words "suburban in nature" to describe the character of Old Agoura. Also, on page 3.0-27, we request that the words "suburban residential" be deleted. Emphasis should be placed on the special character of Old Agoura.

A7. The clarification regarding distance from adjacent structures should be provided in the DEIR, since the DEIR provides inconsistent information regarding this issue.

A11. While the letter states that "numerous design features of the proposed project clearly advance specific policies enumerated in the Land Use and Housing Element of the North Area Plan," the City's Comments 9 and 11 demonstrate that the project is not consistent with NAP policies regarding maximum cut slopes and cutting of significant ridgelines. The DEIR analysis regarding policy consistency still needs to be corrected.

A12. We believe that the text on Page 3.0-33 inaccurately portrays the *Agoura Hills Ventura Freeway/Canwood Corridor Visions Plan* as a regulatory document. To clarify this for the benefit of the reader, we believe that the text should briefly note that it is a

conceptual design study commissioned by the City for the sake of creating a development vision for the north freeway corridor.

A13. The City still contends that the discussion of impacts in this section (particularly on page 4.1-26) needs to include an overall analysis of the proposed landscape design in the context of the surrounding community, not just as viewed from certain vantage points. The landscape design should be naturalistic in approach, although trees in some areas (e.g., parking lots) would resemble an orchard-like layout. It is important that these design elements be clearly specified as components of the project in the DEIR, or at least be outlined in the DEIR as mitigation measures. Mitigation Measure 4.1-1 on page 4.1-24 needs to describe the types of vegetation to be planted (Valley Oaks, species of other plants and shrubs, etc. - native species should be used) and the specific locations (an exhibit would be highly useful) along the site perimeters in order to verify that there will be adequate screening for aesthetic purposes, and potentially significant impacts would be mitigated. The JMBM letter contends that the simulations of just a few viewpoints are adequate, and that further landscape information would be provided prior to issuance of a Grading Permit. We understand that a complete and detailed landscape plan is not necessary to prepare at this time, however, the limited information provided does not offer a clear enough picture for CEQA analysis purposes – that is, to determine the level of project impacts from a visual resources standpoint. Absent additional design information, the document should at least include mitigation measures that identify certain landscape and visual buffer treatments to be employed to ensure that there are no impacts.

A14. The City's comment requested that Figures 4.1-5 through 4.1-6 in the DEIR depict expected views of the project site from various off-site locations via photo-simulation techniques, and incorporate proposed landscaping. The text should note the number of years after planting that the vegetation is depicted to gain a better understanding of the potential visual impacts at different stages in time. Further, it would be useful to provide a photo-simulation exhibit of the vegetation just after installation, approximately three years later, and at full maturation (with the estimated year). The JMBM letter calls this request superfluous. However, such information is commonly provided during the project review process in various agencies so that decision makers can become informed as to whether the proposed landscaping that is to serve as a buffer will indeed be adequate in terms of growth habit and how long it may take for the vegetation to reach the desired height and width. This is especially important considering that the Heschel West School site will be located in close proximity to the backyards of homes along Chesebro Road. These homes now enjoy the open views on the proposed site. (See also Comment A18, below).

A15. The City requested changes to Mitigation Measure 4.1-3(6) that require "motion sensor devices on all security lighting. If such devices are not feasible, then an alternate, low-level lighting fixture should be utilized. The intensity of the security lighting should be as minimal as practical, especially on exterior portions of the site adjacent to open space and residential areas." As now written, the mitigation measure requires motion sensor devices "to the extent feasible." This clause often dilutes the intent of the mitigation measure. Many applicants can claim that something is infeasible for various reasons. If the measure is found to be infeasible, does that mean that the impact is no longer potentially

significant? It appears that the impact would continue to be significant, but possibly not mitigated. The City's suggested changes acknowledge that if found to be infeasible, another option involving a low-level lighting fixture, not just down lighting, should be required. Currently, there is no requirement in the CEQA document that security lighting be as low intensity as possible. This seems like a logical requirement that could easily be added to the mitigation measure to ensure that the impact is fully mitigated. Any lighting mitigation measure should be intended to be sensitive to Old Agoura, which promotes dark skies where there are no street lights and traffic lights.

A16. Low lighting levels in Old Agoura help define this community's special semi-rural character. Therefore, it is important that the DEIR contain sufficient analysis and mitigation regarding proposed project lighting. The City's comment, repeated below, was for the most part disregarded:

*Page 4.1-28, 1<sup>st</sup> paragraph and Mitigation Measure 4.1-3(2): The text in the first paragraph on page 4.1-28 should include a discussion of the various "lighting zones" and how they are defined in terms that the reader can readily understand. Reference is made to Lighting Zone 4 in this paragraph, and Mitigation Measure 4.1-3(2) references Lighting Zone 2. However, no explanation of Lighting Zone 2 is provided. The paragraph notes that studies have shown that the average lighting power density for school parking lots and roadways is 0.05 watts/square foot, while that for campus security lighting is 0.10 watts/square foot. Consequently, Mitigation Measure 4.1-3(2) stipulates that the parking lots should have no more than 0.05 watts/square foot. However, the semi-rural setting of the project site, surrounded by designated open space areas and a low-density residential neighborhood with equestrian uses, should be a significant consideration when determining the appropriate wattage for the parking lot. The school site is not typical of areas where schools are normally located, which is often within an existing urban environment, and the allowed wattage should be reduced accordingly. Therefore, this mitigation measure should stipulate wattage less than 0.05, and the mitigation measure should also stipulate wattage less than 0.10 for security lighting and wattage less than 0.08 for walkway lighting. Additionally, the EIR should explore parking lot lighting alternatives to the typical light pole standards that are lower in scale and prominence, such as bollards. A low (about three feet), decorative wall around the perimeter of the parking lot near the existing residences to shield vehicle headlights should also be added to the project. As proposed, Mitigation Measure 4.1-3 is not adequate, and additional measures could further reduce impacts.*

The reason why the City requests explanation of the various lighting zone definitions is because the specific zones are identified in the DEIR and important to the discussion of impacts, however no explanation of these zones is provided in the DEIR text or in the Appendix. We are pleased that there is a *Model Outdoor Lighting Ordinance Classification of Outdoor Areas* available for the layperson to read. This document should be referenced in the DEIR, but this does not eliminate the need to provide a simple explanation of technical terms used in an EIR – either in the text or in an Appendix. The DEIR continues to rely on mitigation measures that require more information to be provided at a later date for County staff review. This approach is acceptable if the potential impacts are clearly

identified and the mitigation measures outline methods to reduce impacts for which County staff would need to verify some conditions. However, an adequate CEQA analysis would need to outline specific mitigation measures so that the layperson/reader can understand how the impact would be sufficiently reduced. Mitigation Measure 4.1-3 does indeed note that the County would need to review and approve the final lighting orientation and design. However, the measure also stipulates wattages that seem unnecessarily high given the context of the school in a semi-rural residential area and adjacent to open space land.

A18. JMBM's response to the City's comment regarding the need to assess potential aesthetic impacts according to phases of construction and to ensure that the impacts are mitigated by phase reinforces the need for the DEIR to show how the vegetative buffer would be sufficiently effective over time in obscuring aesthetic impacts, as requested in the City's comment #A14 (see above). JMBM's response to Comment #18 relies on the effectiveness of the landscape screen, "which will become increasingly dense and effective." JMBM's response also includes the statement that, "By the time the first two-story buildings are constructed (approximately 3 to 5 years after Phase I) the 50-foot-deep landscape buffer will have grown sufficiently to further mitigate the impacts of the larger buildings." If the DEIR reader is not aware of the particular species to be used in this planting plan and there are no visual simulations of what the vegetative screen would resemble after the various phases of construction are complete, the reader cannot ascertain that impacts would indeed be fully mitigated. (For example, some oak species are listed, along with a reference to planting "native grasslands". However, what is the spacing of the trees? Grasses are often low growing – will they provide sufficient coverage? Perhaps denser planting will provide a far superior screening effect). Moreover, the JMBM response states that all visual resource mitigation measures will be in place by Phase II, and that no further visual resource mitigation is required for Phases III and VI. However, what if only Phase I is constructed, and no other phases follow? Will there be sufficient mitigation completed by Phase I to account for Phase I impacts? The fact that this remains a question is indicative of the need to have the DEIR clearly enumerate impacts and mitigation measures by phase of construction. As presented in the DEIR, the impacts and mitigation are not clearly connected.

A23. The DEIR notes that the open space area proposed on the western edge of the site, between the school parking lot and the existing Old Agoura residences, would be retained in a natural, undeveloped state (see page 4.1-23 – "the site plan incorporates a minimum 100-foot buffer between adjacent residential uses..."). We are not clear why the JMBM letter indicates there is, "no reasoned basis, beyond the strict controls of the CUP, to require the 'dedication' of this area as permanent open space or to impose similar permanent limitations on Heschel West's ability to develop, donate, or cooperatively use those other portions of the site which are not of particular aesthetic nor natural-resource value." If the applicant is willing to stipulate as part of the project description that this area shall be used as an open space buffer, the seriousness of the applicant's intent to reserve this area, and not develop it at a later date, would be indicated by the willingness to record an easement or deed restriction or other legal agreement that specifies that this area will not be developed in the future. Without this assurance, the project could result in

potentially significant aesthetic impacts to adjacent residences. This potential would have to be analyzed in the DEIR.

A24-A31. As currently designed, some of the DEIR proposed traffic solutions are not acceptable to the City of Agoura Hills, and would not be approved by the City. It is important to note that the traffic impacts would affect areas within City boundaries, and the improvements outlined in the mitigation measures would occur within City limits. Therefore, acceptance of these mitigations, approval of their design, and issuance of encroachment permits from the City of Agoura Hills would be necessary. While the City acknowledges that a roundabout could feasibly work at the Palo Comado Canyon Road/U.S. 101 Westbound ramps, the City has reservations about the specific roundabout design proposed, particularly with regard to number of lanes and turning radius. The potential need to acquire additional land for the roundabout right of way needs to be assessed in the DEIR as a possible secondary environmental impact from the potential mitigation measure. Additionally, the City continues to believe that some of the proposed signals at the NB freeway off ramps are infeasible and would result in impeding traffic flow and unsafe conditions. It is requested that the signals not be considered a potential mitigation measure. City and County planning and transportation staff and the applicant have been meeting and will continue to meet to discuss possible transportation mitigation related to the project.

A32. The City's comments have still not been addressed. The DEIR does not contain sufficient data to substantiate the conclusion that parking supply will be sufficient to meet the daily demands of faculty, staff and visitors, in addition to special events. An adequate analysis does not consist of identifying the number of proposed parking spaces with the conclusion that the parking consultant notes that the number is adequate for special events, which is what is provided in the DEIR. To back this up, the generation figures need to be stated. What are the likely events? What is the parking demand generated by the events, and is there adequate parking, taking into account other concurrent events? The DEIR should analyze the project demand for parking for each type of use (identifying the demand factors), assess the impacts accordingly, and recommend appropriate mitigation measures. For example, to manage special events, mitigation measures could include retaining special event personnel to direct traffic flow or there could be off-site, remote parking with a shuttle system to the campus. Also, special events should be required to be scheduled during non-peak traffic periods and to avoid conflicting with other large events in the area.

A33. Exhibit D, the TDM Plan, would be helpful to reference in the DEIR and include as an Appendix so that reader understands the general components of the plan.

A35. The City believes that residential streets can and should be avoided to minimize impacts on nearby residents. Mitigation Measure 4.3-3 states that construction truck traffic shall avoid residential areas and other sensitive receptors to the extent feasible. The text should note which residential streets are being referred to, and possible alternate haul routes. Some of these roads, such as Chesebro, are narrow country roads unsuitable for carrying dump trucks. Given the site location and access, and surrounding roadway network, it would be feasible to avoid residential areas. Therefore, this measure should be

revised to delete the last phrase "to the extent feasible." The possibility of utilizing residential roadways should not be an option.

A36. The City still believes that parking lot noise has not been analyzed sufficiently in the document. The text states that "these noise levels occur intermittently and are no different from noise already occurring on the streets, driveways, and parking area that exists in the adjacent community." While some of the *types* of noise generated might be similar, the noise from this project would increase the ambient noise level by adding additional uses. Moreover, the project would add a large parking lot in close proximity to existing residences, which has the potential to be more disruptive than simply adding to ambient noise levels in the area. Additionally, the project would result in the following parking lot noises that are not currently ambient: car doors opening and closing, car alarms, engine start up. The DEIR needs to assess the incremental impact of the parking lot noise.

A37. The JMBM response is inadequate, as is the DEIR regarding noise impacts, and does not address the City's comment. The noise section does not adequately analyze potential noise impacts from athletic events, and other cultural or special events that are noted in Section 2.0 Project Description (pages 2.0-2 and 2.0-9 through -10) as potentially occurring. A more detailed discussion of the range of possible events, including maximum attendance, as well as impacts and mitigation measures, needs to be provided. Mitigation measures could include limiting the number of attendees at events, limiting the frequency of special events, or incorporating other specific noise attenuation measures into certain events. Page 4.3-20, 3<sup>rd</sup> paragraph, notes that "noise would be generated during scheduled events such as graduation night, back to school night, or on parent teacher conferences. Such noise would be an annoyance but is not considered a significant impact given that these noise levels are not expected to exceed 45 dB(A) for a cumulative period of 30 minutes in one hour." This text does not address other special recreational or cultural events, nor does it substantiate why the noise levels would not exceed the standard. More specific data needs to be provided.

A38. The JMBM letter states that there would be no amplified sound permitted on the site between 8:00 PM and 8:00 AM. But, what about at other times? Besides bells/buzzers, would there be a loudspeaker/public announcement system at the school operating during the day? In particular, would there be such a system for the outdoor athletic events? If so, the DEIR should analyze potential noise impacts from this system and propose mitigation measures as necessary.

A42. The JMBM letter states that "potential jurisdictional resources are at the extreme east and southeast corners of the site, significantly removed from the proposed development." According to the DEIR, that statement is incorrect. Page 4.5-40, Item 3 Analysis and pages 4.5-49 through -50: The text notes that seven drainage features on-site may be considered regulatory jurisdiction of the ACOE, CDFG, RWQCB and NRCS. However, no jurisdictional delineation of the resources has yet been conducted. To sufficiently determine the extent of project impacts, the jurisdictional analysis needs to be conducted as part of the DEIR. Additionally, potential impacts from mitigation of any such habitat needs to be assessed in the DEIR, particularly if valuable but non-wetland habitats are replaced

by wetland habitats. We understand that a final mitigation plan cannot be provided as part of the DEIR, given that regulatory agency review and approval would occur after the CEQA analysis. However, an assessment of potential impacts to wetlands could and should be provided as part of the DEIR, along with a preliminary estimate of possible mitigation approaches. As presented, the analysis provided in the DEIR is too open-ended, especially considering that many of the concerns can be assessed and addressed at this time.

A43. The City would appreciate specific information be provided in the DEIR on why this project is exempt from the County Ridgeline Protection Ordinance.

A44. The JMBM response is not clear. The City's question remains:

*Page 4.6-15: The text states that maximum cut slopes of 60 feet and maximum fill slopes of 20 feet are proposed, and acknowledges that such cuts and fills are not consistent with the NAP. It further states that the 50-foot slope at the back of the development is "largely not visible from public view." Is this because it would be screened by the buildings? Since the majority of the grading is to be completed during Phase I and the construction of the buildings occur in later phases, would not the 50-foot high cut slope be visible until such time as the buildings are completed in a later phase? Please clarify this in the DEIR.*

A50. The JMBM letter argues that the construction of homes on this site, as opposed to a school, would likely be larger in scale and mass than existing homes in the area, and references CEQA's guidance regarding selecting reasonable alternatives and not using "crystal ball inquiry." The City's comment is listed below:

*Page 5.0-4, 3<sup>rd</sup> paragraph: The text states that the proposed project is superior to Alternative 2 – Subdivision with regard to aesthetic impacts, noting that "given the current market conditions and trends in residential construction in the area, it is likely that these homes would be larger in mass and scale as compared to existing residences along the western site boundary." This may not actually be the case. Residential development, including subdivision layout, if consistent with the NAP and the Old Agoura Overlay District, could be compatible with adjacent residential development, and therefore be aesthetically environmentally superior to the proposed project. Therefore, this discussion needs to be clarified and further researched. In particular, note Policies VI-13 through VI-16 of the NAP stipulating that development be compatible with existing and planned development; provide a transition to surrounding development; limit heights to ensure compatibility with the surrounding setting; and restrict total building square footage and grading to a size that maintains the area's open character. Moreover, Figure 5.0-1 shows a conventional subdivision design. This alternative could easily demonstrate a layout more compatible with the existing natural setting. Also, there would likely not be a need for the road off of Canwood, rather access for the 13 homes could be taken off Chesebro Road, thereby reducing access impacts. These minor and feasible changes to Alternative 2, which would make the*

*alternative much more preferable from an environmental standpoint, should be addressed in the DEIR.*

The City's desire to include a more realistic and likely development package (especially taking into account NAP policies) as an alternative is not asking that the range of alternatives be *exhaustive*, as indicated by JMBM, but indeed *reasonable*, as CEQA indicates.

Thank you for the opportunity to provide these comments. The City Attorney submitted his comments under a separate letter dated July 14, 2005 which is attached. We look forward to reviewing the formal responses to public comments received during the review period for the DEIR, and our comments incorporated into a legally adequate and recirculated DEIR. If you have any questions, please contact Allison Cook, Senior Planner, of my staff at (818) 597-7310.

Sincerely,



Mike Kamino  
Planning and Community Development Director

Attachments:

- Letter to the Commission from JMBM, dated June 14, 2005
- Letter to Commission from City Attorney Craig Steele, dated July 14, 2005

cc: Greg Ramirez, City Manager  
Craig Steele, City Attorney  
Benjamin Reznik – JMBM  
Daryl Koutnik – County  
Kim Szalay - County

RICHARD RICHARDS  
(1916-1988)

GLENN R. WATSON  
(RETIRED)

HARRY L. GERSHON  
(RETIRED)

DAROLD D. PIEPER  
STEVEN L. DORSEY  
WILLIAM L. STRAUSS  
MITCHELL E. ABBOTT  
GREGORY W. STEPANICH  
ROCHELLE BROWNE  
WILLIAM B. RUDELL  
QUINN M. BARROW  
CAROL W. LYNCH  
GREGORY M. KUNERT  
THOMAS M. JIMBO  
ROBERT C. CECCON  
STEVEN H. KAUFMANN  
GARY E. GANS  
JOHN J. HARRIS  
KEVIN G. ENNIS  
ROBIN D. HARRIS  
MICHAEL ESTRADA  
LAURENCE S. WIENER  
STEVEN R. ORR  
B. TILDEN KIM  
SASKIA T. ASAMURA  
KAYSER O. SUME  
PETER M. THORSON  
JAMES L. MARKMAH  
CRAIG A. STEELE  
T. PETER PIERCE  
TERENCE R. BOGA  
LISA BOND  
JANET E. COLESON  
ROXANNE M. DIAZ  
JIM G. GRAYSON  
ROY A. CLARKE  
WILLIAM P. CURLEY III  
MICHAEL F. YOSHIBA  
REGINA N. DANNER  
MARGUERITE P. BATTERSBY  
AMY GREYSON  
DEBORAH R. HAKMAN  
D. CRAIG FOX  
ROBERT H. PITTMAN  
PAULA GUTIERREZ BAEZA  
TERESA HO-URANO  
OWEN P. GROSS  
JIM R. KARPIAK  
ALEXANDER ABBE  
CARRIE A. LEE  
MICHAEL F. COYNE  
DIANA K. CHUANG  
PATRICK K. BOBKO  
DANIEL R. GARCIA  
EZRA J. REINSTEIN  
JULIET E. COX  
SONALI SARKAR JANDIAL  
DAVID M. SNOW  
LOLLY A. ENRIQUEZ  
G. INDER KHALSA  
BRUCE G. MCCARTHY  
MATTHEW B. FINNIGAN  
GINETTA L. GIOVINCO  
TRISHA ORTIZ  
CANDICE K. LEE  
MARICELA E. MARROQUÍN  
BRIAN D. MABEE

OF COUNSEL  
MARK L. LAMKEN  
SAYRE WEAVER  
WILLIAM K. KRAMER  
BRUCE W. GALLOWAY

SAN FRANCISCO OFFICE  
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE  
TELEPHONE 714.990.0901

July 14, 2005

VIA U.S. MAIL

Chairman Wayne Rew and Members of the Los Angeles  
County Regional Planning Commission  
Los Angeles County Regional Planning Commission  
Hall of Records, Room 1390  
320 West Temple Street  
Los Angeles, California 90012

Re: County Project No. 98-062, SCH No. 98101060 (Heschel West School) –  
Comments on the Revised Draft EIR for Heschel West School

Honorable Chairman and Members of the Commission:

I serve as City Attorney for the City of Agoura Hills (“the City”). I write on behalf of the City to submit a response to Mr. Benjamin Reznik’s letter to you, dated June 14, 2005 (“Applicant’s Letter”), regarding our comments on the Revised Draft Environmental Report (“RDEIR”) for the Heschel West School Project (“the Project”). Mike Kamino, Director of Planning and Community Development for the City, is preparing an additional, forthcoming response letter on behalf of the City.

I write in response to the Applicant’s Letter to make clear that this letter *does not* satisfactorily address the City’s concerns regarding the adequacy of the RDEIR. In fact, the Applicant’s Letter failed to summarize accurately many of our comments, and hence, failed to respond to all of our concerns. The Applicant’s Letter selectively responded only to certain questions and concerns, and then seems to represent to the Commission that the letter satisfies all of the City’s concerns. It is our position that the City’s concerns should be incorporated into the EIR, not in a response letter prepared by the Applicant’s attorneys.

As you know, Section 15088 of the CEQA Guidelines requires the lead agency to evaluate comments on environmental issues received from the City and other persons and entities who review the RDEIR. The Lead Agency is also required to respond in writing to the City’s comments either by revising the Draft EIR or including a separate section in the final EIR. Again, we respectfully request that the County, not the Applicant, include the City’s comments in the final EIR for the Project, respond in writing to the same, revise and recirculate the RDEIR accordingly and, when applicable, provide written proposed responses to the City at least 10 days prior to

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 2

certifying a final EIR, as required by CEQA Guidelines Section 15088(b). We further request that the County provide ample opportunity for the City and members of the public to review and comment on any final EIR before the County takes final action on the Project.

Below, I provide some counter-responses to the Applicant's Letter, which in turn, responds to our first letter to Dr. Daryl Koutnik on May 18, 2005 ("May 18, 2005 Letter"). We do not intend to belabor our concerns, but we find it necessary to respond in light of the Applicant's Letter, which seems to imply that the RDEIR and the explanations provided in the Applicant's Letter already satisfy the City's concerns. Instead of summarizing or reproducing word-for-word the Applicant's Letter, I have included only our counter-responses to the Applicant's Letter. For your convenience, I have enclosed a copy of the Applicant's Letter, as well as a copy of our May 18, 2005 Letter.

Please note that we have chosen to focus our responses to those comments in the Applicant's Letter that caused us the most concern. Our decision not to respond to certain comments set forth in Applicant's Letter does not constitute concessions to those particular comments or any other portion of the Applicant's Letter. All of the comments set forth in our May 18, 2005 Letter still represent our position regarding the Project's RDEIR and we request a complete response from the County to each comment.

#### COMMENTS REGARDING PROJECT DESCRIPTION

Counter-response 1(a): Table 2.0-2 is incomplete. It does not include the CUP and grading permit from the County (mentioned on page ES-1). *All* of the permits and approvals required for the Project should be provided in one list, not multiple inconsistent lists as is the case now. CEQA requires that the Project Description include a list of required approvals for the Project, including required permits. One *complete list* of basic entitlements and permits is required to allow the Applicant to proceed.

Counter-response 1(b): Response 2(a) fails to address our original concern that the DEIR "does not specify how the number of students would be enforced at a maximum of 750."

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 3

Counter-response 1(c): Table 2.0-2 is misleading, because it is listed under the heading "Proposed Structures." Although the modular structures are not permanent, the modular structures will be utilized as structures on the Site for several years. Therefore, the presence of the modular structures on the Site will be environmentally significant. Accordingly, Table 2.0-2 should include the list of modular structures to give a more complete, comprehensive representation of the Project.

Counter-response 1(e): First, to the extent that some of the comments in the Applicant's Letter respond to our concerns, such responsive answers should be addressed in a subsequent version of the EIR. While we appreciate the Applicant's efforts in clarifying various issues, the public is best served if such clarifications are set forth in the EIR.

Second, Response 1(e) makes unsupported conclusions that the aesthetic impacts will be minimal and that the removal of the modular units by trucks "would have no potential to cause short-term traffic impacts." Data and analysis are warranted to support such conclusions.

Third, in our May 18, 2005 Letter, we requested that "the RDEIR's Project Description should emphasize to the public that the 'temporary' school project would be the first to be built and the only improvements on the site for some period of time." The Applicant's Letter has not addressed this request. As we have previously highlighted, maintenance of an all-temporary school and then a lengthy transition to a permanent school will likely create environmental impacts over time that are not discussed in the RDEIR.

Counter-response 1(f): Again, the facts regarding the accommodation for an additional 110 vehicles on the football field and an additional 65 vehicles in the internal driveway must be reflected in the EIR, not in a separate letter written by the Applicant.

Also, the Applicant's Letter does not address our concern that the RDEIR fails to analyze regarding the impacts of the Project's special events, including the significant traffic impacts that could be associated with such events, especially weekend or evening athletic events which are likely to draw large crowds. The Applicant's counsel seems to dismiss the need for such analysis by stating that special events will occur on "evenings and weekends - outside of peak-hour traffic conditions." The

Los Angeles County Regional  
" Planning Commission  
July 14, 2005  
Page 4

simple fact that special events will occur on evenings and weekends, days which are allegedly outside of peak-hour traffic conditions, does not negate the fact that the impacts of special events must be analyzed, and if necessary, mitigated. Indeed, given that the proposed school is located adjacent to an established residential community, evening and weekend impacts on the existing neighborhood may be more pronounced.

In addition, the Applicant's Letter does not respond to our previous request that the RDEIR impose special use permit requirements, hours restrictions, and other such restrictions that will reduce the adverse impact of such events on the City's neighborhoods.

On page 2.0-10 of the RDEIR, the Project Description states that "in no case, would attendance exceed a maximum of 1,500 persons" for special events. The Applicant's Letter fails to respond to our concern regarding how this conclusion was reached and how it would be enforced. The RDEIR should be revised to provide support for this conclusion and proposed mitigation measures and/or project conditions that would ensure the long term accuracy of this assumption.

The Applicant's Letter also fails to respond to our concern that the RDEIR does not discuss whether special events will occur during all phases of construction. The RDEIR needs to be revised accordingly.

Counter-response 1(h): Response 1(h) explains that the removal of the modular units will occur during the summer months and will involve only a few dozen trucks over several days. The fact that the removal of the modular units will occur during the summer months must be documented in the EIR. Also, the EIR should reasonably estimate, as closely as possible, how many trips will be generated by the trucks removing the modular units, what route those trucks will take, and how all those factors impact the environmental analysis.

It also bears mentioning that CEQA Guidelines Section 15126 requires an EIR to consider the significant environmental effects of all phases of the proposed project. Therefore, the EIR should discuss and analyze the significant environmental effects of the modular units and their removal from the Site.

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 5

Counter-response 1(i): Response 1(i) is not responsive to the original concern we posed in our May 18, 2005 Letter. CEQA Guidelines Section 15124(d)(1)(C) requires the Lead Agency to include a *list* of environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. The RDEIR does not include such a list. Although the RDEIR “already contains analyses of the project based upon various laws and policies,” the fact remains that CEQA Guidelines Section 15124(d)(1)(C) requires a *list* of those requirements in one place for the reader to evaluate.

Second, the fact that the RDEIR contains a list of persons and organizations consulted in preparation of the EIR does not respond to our point that the RDEIR fails to include a list of environmental review and consultation requirements.

#### ENVIRONMENTAL IMPACT ANALYSIS

Counter-response 3(a): The fact that the RDEIR identifies criteria for the thresholds of significance does not mean that those criteria are sufficient. As we have stated previously, the RDEIR’s methodology for measuring the significance of impacts after mitigation is inadequate. In several sections of the RDEIR, the RDEIR fails to provide enough information to allow the reader to evaluate the effectiveness of proposed mitigation measures.

#### COMMENTS REGARDING VISUAL RESOURCES

Counter-response 3(c): The threshold of criteria at page 4.1-16 of the RDEIR fails to provide enough information to allow the reader to evaluate the effectiveness of these proposed mitigation measures. The thresholds of significance, as they are currently presented in the RDEIR, are too broad, and do not allow the reader to make a meaningful determination as to whether the Project’s impacts or its mitigation measures are significant.

For example, on page 4.1-26 of the RDEIR, the criteria is whether the Project would have an adverse impact on neighborhood character and consistency of scale. The RDEIR then concludes that significant height and bulk impacts would be created. The RDEIR seems to conclude that 43 feet (the height of the tallest building in the Project) does not adversely impact the neighborhood character and consistency of scale in a neighborhood whose homes range from 15-30 feet in height. There is

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 6

nothing in the RDEIR that allows the reader to conclude that 43 feet does not exceed the threshold of significance.

As for light and glare, it is not clear what the threshold of significance is for measuring the impacts of light and glare. On page 4.1-17, the RDEIR provides that the threshold of significance for light and glare is whether "the project result[s] in sun/shadow effects on adjacent land uses." This criteria is too broad to enable the reader to make a meaningful determination of whether the Project has a significant impact. Our main concern on this point is that the RDEIR does not include objective data that measures light and glare. The RDEIR fails to provide enough information to allow the reader to evaluate the effectiveness of these proposed mitigation measures.

#### COMMENTS REGARDING TRANSPORTATION AND ACCESS

Counter-response 3(d)(i): Again, the RDEIR should be revised to require payment of "fair share" contributions to the City, in an amount to be determined by the City Engineer. In a meeting with the applicant and County staff we were informed that this change had "already" been made, yet the EIR still refers to a payment to the County. In addition, the Project must be conditioned to pay the City's then-applicable Traffic Impact Fee since the project's traffic impacts will be borne entirely by the City.

Counter-response 3(d)(ii): The facts regarding the extra capacity for parking (*i.e.*, 110 vehicles on the football field and 65 vehicles in the internal driveway) should be documented in the EIR. The impacts of the special events held at the Site must also be addressed in the EIR.

Counter-response 3(d)(iii): The EIR, rather than the Applicant's Letter, should include the clarifications regarding trip generation.

Counter-response 3(d)(v): Mere reference to the CalTrans Traffic Manual is insufficient for discussing construction-related traffic impacts. This EIR is required to be informative to, and understandable by, the public and lay decision-makers, not just traffic engineers. The RDEIR fails to disclose and analyze the short-term construction related traffic impacts that would invariably result from a project of this magnitude. In particular, the RDEIR should disclose and analyze the short term

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 7

construction-related impacts associated with the construction of the traffic mitigation measures the DEIR proposes.

In addition, the RDEIR, as well as the Applicant's Letter, fails to account for traffic generated by construction vehicles, parking needs of construction workers, and equipment storage.

Counter-response 3(d)(vii): Again, any clarifications regarding deferral of mitigation measures and "fair share" calculations should be incorporated into the EIR.

In addition, the Applicant's Letter does not address the issue of the occurrence of special events during Phase 1 of the Project. Because the DEIR inadequately addresses and analyzes the impacts from special events at the school – which events could occur during Phase 1 – it must be assumed that up to 1500 people could attend a special event at the school even during Phase 1. Again, this demonstrates the need to complete all traffic mitigation measures at the beginning of the Project.

As we previously stated in our May 18, 2005 Letter, the City objects to the County's stated intention of calculating the Project's "Fair Share" contribution to improvements in the City. Those "Fair Share" contributions should be calculated by the City since it is the City's taxpayers who will bear the burden of traffic generated by the Project if it is approved.

#### COMMENTS REGARDING NOISE

Counter-response 3(e)(i): Our original comment did not dispute the fact that the RDEIR identifies the Significance Threshold Criteria for noise associated with construction activity. Rather, our concern is that proposed mitigation measures are not tied to specific impacts, and there is nothing more than a conclusory statement of impacts after mitigation without specific data on which to base an evaluation of those conclusions.

On page 4.3-18, six mitigation measures are imposed without any description of the impacts each is intended to mitigate. In addition, no measurable data (*e.g.*, decibel levels or ranges) are provided for the level of significance after mitigation. Without any supporting data or analysis, the RDEIR then concludes that mitigation measures would reduce any significant impacts below a level considered to be significant.

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 8

As an example, Mitigation Measure 4.3-5 should include an explanation that sound blankets reduce the decibel level of construction equipment activity by X number of decibels. Similarly, Mitigation Measure 4.4-6 should explain that portable acoustical barriers will reduce the decibel levels to X number of decibels.

Counter-response 3(e)(v): The Applicant's Letter fails to respond adequately to our previous comment regarding these particular noise mitigation measures. The Revised DEIR states that "[m]itigation measures outlined above would reduce this impact below a level considered significant." Again, as we have previously stated, the Revised DEIR fails to provide enough information to allow the reader to evaluate the effectiveness of proposed mitigation measures. No data (e.g., decibel levels, decibel ranges, or noise levels) are provided for the level of significance after mitigation. Without any supporting data or analysis, the Revised DEIR then concludes mitigation measures would reduce any significant impacts below a level considered to be significant.

#### COMMENTS REGARDING BIOLOGICAL RESOURCES

Counter-response 3(f): The fact that the Significance Threshold Criteria was taken directly from the County of Los Angeles Environmental Document Reporting Procedures and Guidelines does not mean that such criteria allow for meaningful analysis.

On page 4.5.-30, three of the thresholds of significance are defined by whether the project has a "substantial adverse effect" on any species, habitat, sensitive natural community, or wetlands. The RDEIR does not, however, quantify or define what constitutes a "substantial adverse effect," and it is unclear how the EIR preparer determined that mitigation measures would result in less than significant impacts, in the absence of more identifiable and quantifiable levels. The net result is that the reader is unable to compare, in any meaningful way, the impacts of mitigation against the threshold of significance in the absence of some measurement of what constitutes substantial and is left to suspect that these conclusions are wholly subjective.

#### COMMENTS REGARDING FIRE SERVICES AND HAZARDS

Counter-response 3(h)(i): The EIR, rather than the Applicant's Letter, should address the issue regarding whether the County has prepared alternative mitigation measures

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 9

to address the various impacts that would typically be mitigated by the developer fee in the event a developer fee is no longer in place.

Counter-response 3(h)(ii): The fact that the Significance Threshold Criteria was taken directly from the County Los Angeles Environmental Document Reporting Procedures and Guidelines does not mean that such criteria allow for meaningful analysis. The fact remains that the thresholds of significance on page 4.7-1 are defined in a manner that is too general for meaningful analysis.

On page 4.7-13, the RDEIR states that a project has an adverse impact on fire services if the project creates a *potential for inadequate staffing* of fire stations or creates a *substantial decline in response times* to handle calls for services. What constitutes “inadequate staffing” and a “substantial decline in response times?” The RDEIR does not explain what constitutes “inadequate staffing” and a “substantial decline.” The public and surrounding governmental entities that would be most affected by this potential inadequacy would be best informed by the use of staffing formulas and actual response-time goals. In the absence of a more defined threshold of significance, there is no meaningful way to compare the impacts of mitigation against the threshold of significance, and the analysis in this section appears to be the subjective opinion of the drafter.

Counter-response 3(h)(iii): Again, the Applicant’s letter fails to respond to our previous concerns regarding the “Emergency Evacuation Plan” referenced on page 4.7-22 of the RDEIR. Such an “Emergency Evacuation Plan” has not yet been drafted. Therefore, there is no way to evaluate whether the Emergency Evacuation Plan would or would not result in hindering the evacuation of the residents in Old Agoura. Does the Emergency Evacuation Plan also contemplate the safe and orderly evacuation of Old Agoura residents? Neither the Applicant’s letter nor the EIR addresses this issue.

In addition, although the RDEIR states that evacuation of the school “will occur only when sufficient warning of a wildfire is provided to ensure that it would not hinder the evacuation of Old Agoura residents,” it is not clear how the RDEIR determines what constitutes “sufficient warning.”

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 10

#### COMMENTS REGARDING HYDROLOGY AND WATER QUALITY

Counter-response 3(i): The fact that the Significance Threshold Criteria was taken directly from the County of Los Angeles Environmental Document Reporting Procedures and Guidelines does not mean that such criteria allow for meaningful analysis. On page 4.9-9, the DEIR states that a project would have a significant impact if it “substantially alters the existing drainage pattern or increases the rate of surface runoff such that it . . . results in substantial sedimentation or erosion” or it would “substantially degrade surface or groundwater quality.” The RDEIR does not, however, explain what constitutes “substantial.” What constitutes substantial degradation or substantial erosion? There is no way to compare the impacts of mitigation against the threshold of significance in the absence of some measurement of what constitutes substantial.

#### COMMENTS REGARDING ALTERNATIVES

Counter-response 4(a): Although Response 4(a) asserts that “simple logic governs the comparison of geological, air quality, and water quality impacts of Alternative 2 with the proposed project,” the EIR does not explicitly state those comparisons. If neither the proposed project nor Alternative 2 is considered environmentally superior from a seismologic point of view, because, for example, neither alternative results in the Project or part of the Project being located on a major fault line, or because the same number of people will inhabit the area, the EIR should state that. The reader should not have to infer why one alternative is superior to another.

As for air quality, on page 5.0-8, the RDEIR states that “[t]he area of land disturbed during grading would be greater under this alternative than the proposed project . . . .” There is no data, however, provided in the discussion of the effect of Alternative 2 on air quality, to support this conclusion. For example, this section should explain how many acres of land would be disturbed under Alternative 2 compared to how many acres of land would be disturbed under the original Project. If the construction of estate homes, rather than the proposed Project, results in more land disturbance during grading, the EIR should explain this.

Regarding hydrology and water quality, on page 5.0-8, the RDEIR states that “the project would contain a greater amount of non-erosive surfaces than this alternative, thereby reducing debris, so the amount of runoff (water plus debris) from the site

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 11

would be less with the project than under this alternative.” Again, there is no data, or other information regarding the effect of Alternative 2 on water quality, to support such a conclusion. If the residential homes produce a greater amount of runoff, the EIR should explicitly state this. As we have previously pointed out, the CEQA Guidelines requires that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

In sum, although the reader could reasonably come up with possible reasons to support conclusions regarding the probable environmental impacts associated with Alternative 2, such a task is not the responsibility of the reader. Rather, the EIR should provide such reasons and data to support its own conclusions.

Counter-response 4(b): Figure 5.0-2 does not provide a comparison between the original site plan and the modified site plan so that the reader may meaningfully analyze the difference between the two site plans. A more detailed written description of the difference between the original site plan and the modified site plan is also warranted.

In addition, as stated in Response 4(b), page 5.0-9 of the EIR should be revised to reflect that maximum event attendance of events would be 1500 people and state how the County would enforce this.

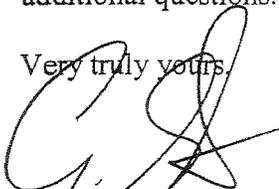
Counter-response 4(c): Response 4(c) is not non-responsive. It states that the Reduced Density Alternative impedes two project objectives. We note, again, that CEQA favors the environmentally superior alternatives to proposed projects, even in cases where the alternative might, to some degree, impede attainment of the project objectives or be more costly. CEQA Guidelines Section 15126.6(b). Although the RDEIR suggests that this alternative would impede or not meet two specific objectives of the Project, there is no data presented in the RDEIR to support those claims. Bare conclusions without supporting facts and analysis are legally inadequate under CEQA. The RDEIR should provide specific, quantifiable facts and data to support the assertion that a school of 472 students and staff will not be of “sufficient size...”, especially where a school of 472 students is more than double the size of the existing school. Further, the RDEIR should specifically indicate why a smaller school, which presumably would still need classrooms and some recreational area, would not provide any opportunity for public and private youth-oriented recreational activity and a community meeting facility. Again, the simple fact that an alternative

Los Angeles County Regional  
Planning Commission  
July 14, 2005  
Page 12

may be more costly or less successful than an applicant would like is not a sufficient reason to reject an environmentally superior and feasible alternative.

We appreciate the opportunity to comment on the RDEIR and look forward to seeing these and other comments incorporated into a legally adequate and recirculated DEIR and, ultimately, a final EIR, as necessary. Please contact me should you have any additional questions.

Very truly yours,



Craig A. Steele

Enclosures

A0130\1042\829310v3

cc: Mayor and City Council  
Greg Ramirez, City Manager  
Kimberly Rodrigues, CMC, City Clerk  
Mike Kamino, Director of Planning and Community Development  
Dr. Daryl Koutnik, County of Los Angeles, Department of Regional Planning  
Benjamin Reznik, Esq.  
Candice K. Lee, Esq.

CITY OF  
  
AGOURA HILLS

---

*"Gateway to the Santa Monica Mountains National Recreation Area"*

June 13, 2005

County of Los Angeles  
Regional Planning Commission  
320 West Temple Street  
Los Angeles, CA 90012

SUBJECT: COUNTY PROJECT NO. 98-062, CUP NO. 98-062, SCH NO. 1998101060;  
HESCHEL WEST SCHOOL PROJECT REVISED DEIR

Dear Chairman Wayne Rew and Commissioners:

The purpose of this letter is to convey the position of the Agoura Hills City Council on the proposed Heschel West School project, which is scheduled for consideration by the Regional Planning Commission on June 15, 2005. As you are aware, the approximately 73-acre project site is located within unincorporated Los Angeles County, just north of U.S. Highway 101, and directly adjacent to the eastern limits of the City of Agoura Hills.

On May 18 and June 8 of 2005, meetings regarding the proposed Heschel West School were held by the City Council. At these meetings, City staff presented a brief summary of the Heschel West School project and comments on the Draft Environmental Impact Report (DEIR). The Heschel West School representatives then spoke about the project, followed by public comments from attendees both in support and opposed to the development. Following this public testimony, the City Council discussed the project and DEIR. The City's formal position on the project is as follows:

1. The County Regional Planning Commission public hearing on the Heschel West School project should be continued until City and County staff, along with the applicant, can meet to further discuss and resolve important technical items regarding the project and DEIR, particularly traffic issues.
2. The City Council opposes the Heschel West School project as currently proposed, based on the deficiencies in the DEIR.
3. The letters prepared by City Planning and Community Development Department staff (dated May 16, 2005) and by the City Attorney (dated May 18, 2005) regarding the DEIR reflect the position of the City Council regarding adequacy of the DEIR. These letters are included as Attachments A and B, respectively.

County Regional Planning Commission  
June 13, 2005  
Page 2

If you should have any questions, please contact Greg Ramirez, City Manager, at (818) 597-7311.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Corridori". The signature is fluid and cursive, with a horizontal line extending from the end.

Ed Corridori  
Mayor

Attachments:

- A. City Planning and Community Development Dept. letter, dated May 16, 2005
- B. City Attorney letter, dated May 18, 2005

**IRW** RICHARDS | WATSON | GERSHON  
**WTC** ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101  
Telephone 213.626.8484 Facsimile 213.626.0078

May 18, 2005

RICHARD RICHARDS  
(916-1988)

GLENN R. WATSON  
(RETIRED)

HARRY L. GERSHON  
(RETIRED)

**VIA FAX (213) 626-0434  
AND U.S. MAIL**

DAROLD D. PIEPER  
STEVEN L. DORSEY  
WILLIAM L. STRAUSS  
MITCHELL E. ABBOTT  
GREGORY W. STEPANICICH  
ROCHELLE BROWNE  
WILLIAM B. RUELLE  
QUINN M. BARROW  
CAROL W. LYNCH  
GREGORY M. KUNERT  
THOMAS M. JIMBO  
ROBERT C. CECCON  
STEVEN H. KAUFMANN  
GARY E. GANS  
JOHN J. HARRIS  
KEVIN G. ENNIS  
ROBIN D. HARRIS  
MICHAEL ESTRADA  
LAURENCE S. WIEHER  
STEVEN R. ORR  
E. TILDEN KIM  
SASKIA T. ASAMURA  
KAYSER O. SUME  
PETER M. THORSON  
JAMES L. MARKMAN  
CRAIG A. STEELE  
T. PETER PIERCE  
TERENCE R. BOGA  
LISA BOND  
JANET E. COLESON  
ROXANNE M. DIAZ  
JIM G. GRAYSON  
ROY A. CLARKE  
WILLIAM P. CURLEY III  
MICHAEL F. YOSHIBA  
REGINA N. DANNER  
MARGUERITE P. BATTERSBY  
AMY GREYSON  
DEBORAH R. HAKMAN  
D. CRAIG FOX  
ROBERT H. PITTMAN  
PAULA GUTIERREZ BAEZA  
TERESA HO-URANO  
OWEN P. GROSS  
JIM R. KARPIAK  
EVAN J. MCGINLEY  
ALEXANDER ABBE  
CARRIE A. LEE  
MICHAEL P. COYNE  
DIANA K. CHUANG  
PATRICK K. BOBKO  
DANIEL R. GARCIA  
MIGUEL S. RAMIREZ  
EZRA J. REINSTEIN  
JULIET E. COX  
SONALI SARKAR JANDIAL  
DAVID M. SNOW  
G. INDER KHALSA  
BRUCE G. MCCARTHY  
MATTHEW B. FINNIGAN  
GINETTA L. GIOVINCO  
TRISHA ORTIZ  
CANDICE K. LEE  
MARICELA E. MARROQUIN  
BRIAN D. MABEE

**OF COUNSEL**

MARK L. LAMKEN  
SAYRE WEAVER  
WILLIAM K. KRAMER  
BRUCE W. GALLOWAY

SAN FRANCISCO OFFICE  
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE  
TELEPHONE 714.990.0901

Dr. Daryl Koutnik  
Department of Regional Planning  
County of Los Angeles  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, California 90012

Re: County Project No. 98-062, SCH No. 98101060 (Heschel West School) –  
Comments on the Revised Draft EIR for Heschel West School

Dear Dr. Koutnik:

I serve as City Attorney for the City of Agoura Hills (“the City”). I write on behalf of the City to submit comments on the Revised Draft Environmental Report (“Revised DEIR”) for the Heschel West School Project (“the Project”). Mike Kamino, Director of Planning and Community Development for the City, has provided separate and additional comments on behalf of the City.

As you know, Section 15088 of the CEQA Guidelines requires the lead agency to evaluate comments on environmental issues received from the City and other persons and entities who review the Revised DEIR. The Lead Agency is also required to respond in writing to the City’s comments either by revising the Draft EIR or including a separate section in the final EIR. We respectfully request that the County include the City’s comments in the final EIR for the Project, respond in writing to the same, and provide written proposed responses to the City at least 10 days prior to certifying a final EIR, as required by CEQA Guidelines Section 15088(b). We further request that the County provide ample opportunity for the City and members of the public to review and comment on any final EIR before the County takes final action on the Project.

I previously commented on the prior draft EIR prepared for the Project, by letter dated December 11, 2002. Despite representations that the issues raised in connection with the previous draft EIR have been “responded to” in this new and recirculated draft (*see, e.g.*, draft EIR pages ES-3 and 1.0-6, the Revised DEIR does not sufficiently incorporate or respond to the City’s past comments into the Revised

A0130\1042\821276-2

Dr. Daryl Koutnik  
May 18, 2005  
Page 2

DEIR. In fact, almost none of the comments I made in my earlier letter have been addressed appropriately in the Revised EIR. The brief discussion on pages 1.0-6 and 1.0-7 regarding "applicant response to public testimony" does not indicate that the applicant or the County have responded to any of the written comments regarding the previous draft EIR that the County received. That being the case, I must repeat those comments in addition to providing additional comments below.

#### 1) INADEQUATE PROJECT DESCRIPTION

a) **Pages 2.0-2 and 2.0-17 – The DEIR contains inconsistent and incomplete descriptions of the various permits the Project will require.** CEQA requires that the Project Description include a list of required approvals for the Project, including required permits. The complete list of basic entitlements and permits being sought by the applicant are never even disclosed in the Project Description. *All* of the permits and approvals required for the Project should be provided in one list, not multiple inconsistent lists as is the case now.

On page ES-1, the Revised DEIR indicates, "the actions necessary to construct the project include..." a CUP and a grading permit from the County, and a "permit to connect utilities located within the City of Agoura Hills." On page 2.0-2, the Project Description indicates only that the Applicant is requesting the approval of a CUP and grading permit. Table 2.0-2 in the Project Description section then identifies several permits, including permits not mentioned in the other sections of the Revised DEIR, are "known to be potentially needed at this time." The latter list indicates that encroachment permits are required from the City of Agoura Hills to permit utility hookups and unspecified "roadway improvements."

CEQA requires that the DEIR contain a complete list of permits necessary to complete the Project. While this list obviously must be comprised of information known to the Lead Agency, CEQA imposes a duty on the Lead Agency to consult with Responsible Agencies and perform reasonable due diligence as to the nature and extent of permits that the Project will require. The County has not met that burden in this case, at least with regard to consultation with the City.

The lack of consistent and complete information regarding required approvals, along with the legally inadequate project description as noted below, makes it impossible for Responsible Agencies such as the City to determine whether the information presented by the County in this DEIR is sufficient to allow Responsible

Dr. Daryl Koutnik  
May 18, 2005  
Page 3

Agencies to perform their duties pursuant to CEQA. If the applicant seeks approvals from Responsible Agencies after the certification of this EIR and the Responsible Agencies determine this EIR is inadequate for those purposes, the Responsible Agencies could face opposition and even legal action from the Applicant if they seek further CEQA documentation.

In addition to the basic inconsistencies between the three lists of potential permits, the list is incomplete, at least as it pertains to the City of Agoura Hills. It is unclear from the text of the DEIR what type of City "encroachment permits" the applicant will seek for utility hookups. Further information such as the timing and location of such hookups is required. However, if the applicant intends to seek permits for "roadway improvements" as indicated in Table 2.0-2, additional discretionary and legislative actions by the City might well be required to facilitate such permits. For instance, based only on the inadequate and minimal information regarding the "roadway improvements" planned by the Applicant, it appears likely that a proposal to direct more than 2600 new vehicle trips per day onto Canwood Street in close proximity to the existing on and off-ramps for the 101 Freeway may be inconsistent with the Circulation Element of the City's General Plan, which disfavors such an unsafe proposal. That inconsistency might preclude the City from issuing the ill-defined "encroachment permit" for road improvements the draft EIR mentions.

The County should undertake the due diligence and consultation with Responsible and other local agencies required by CEQA, prepare an adequate and complete list of anticipated permits, and recirculate this portion of the EIR for adequately informed comment by Responsible Agencies and the public.

b) **Page 2.0-2** – The DEIR does not disclose how many staff members would be employed on the site to serve the proposed 750 students. It also does not specify how the number of students would be enforced at a maximum of 750. Under the student/staff ratio of approximately 1/4.5 disclosed for the existing school, the proposed school would need approximately 167 employees. I note that on page 5.0-15, the Reduced Density Alternative analysis indicates the proposed school would house 847 students and staff. It seems unrealistic to assume that as the student population quadruples, the staff would only double in approximate terms. As these facts influence traffic and parking assumptions, further information is needed.

b) **Page 2.0-4** – There is an inconsistency regarding the school population within the Revised DEIR. On page 2.0-4, the Project Description states that the

Dr. Daryl Koutnik  
May 18, 2005  
Page 4

school would provide education to grades pre-K-8. On page ES-2, however, the Executive Summary states that the school would provide education to grades pre-K-9. Please clarify.

c) **Page 2.0-5** – The Project Description fails to include in its list of proposed structures the temporary modular structures for the Interim School. Please revise accordingly.

d) **Page 2.0-9** – It appears that the hours described for the staggered arrival schedule should be changed to span 7:30 a.m. to 8:30 *a.m.*, not 7:30 to 8:30 p.m.

e) **The DEIR's Project Description is incomplete and legally inadequate.** The Project Description de-emphasizes and does not adequately describe the first phase of the proposed school, which will involve the import and maintenance of temporary school buildings for some lengthy period of time. The Revised DEIR's Project Description should emphasize to the public that the "temporary" school project would be the first to be built and the only improvements on the site for some period of time. This disclosure will affect the visual and aesthetic impacts of the initial stages of the Project. Further, the maintenance of an all-temporary school and then a lengthy transition to a permanent school will likely create environmental impacts over time that are not discussed in the Revised DEIR. Additional questions include:

- What kinds of short-term traffic impacts will be created when temporary classrooms are delivered to the site?
- Where will the temporary buildings be placed? Will those temporary placements disturb areas of the site not to be disturbed by permanent construction?
- Will the temporary classrooms be moved elsewhere on the site during construction?
- How will the temporary structures be disposed of when they are no longer needed? (Note: The Revised DEIR generally evaluates impacts associated with the permanent construction of the ultimate plan on the site, and does not adequately discuss any impacts associated with temporary buildings).

Dr. Daryl Koutnik  
May 18, 2005  
Page 5

f) **The Project Description describes special events and uses, the impacts of which are not discussed or mitigated in the DEIR.** On Page 2.0-9, the Project Description indicates that the site will be used for special events cultural programs, graduations, seminars, recreational sports activities and "summertime, evening and/or weekend daytime special events." There is no discussion in the Revised DEIR regarding the impacts of such events, including the significant traffic impacts that could be associated with such events, especially weekend or evening athletic events which are likely to draw large crowds. The Revised DEIR indicates only a projected average of 79 additional PM peak hour trips, when dozens or hundreds of cars could be expected to be drawn to a weekend or evening athletic event or special event. The Revised DEIR must disclose these potential impacts and impose mitigation measures to deal with the heavy traffic that can be expected. Further, the Revised DEIR should impose special use permit requirements, hours restrictions and other such restrictions that will reduce the adverse impact of such events on Agoura Hills neighborhoods.

In addition, on page, 2.0-10, the Project Description states that "in no case, would attendance exceed a maximum of 1,500 persons" for special events. It is not clear how this conclusion was reached. The Revised DEIR should be revised to provide analysis for this conclusion and proposed mitigation measures and/or project conditions that would ensure the long term accuracy of this assumption.

Also, in the event that attendance for a special event does reach 1,500 persons, how will the site accommodate the parking needs for an event attracting 1,500 persons? The proposed 223 parking spaces are insufficient to meet the parking needs for such an event, and likely would result in the parking of automobiles in the neighboring residential areas surrounding the site.

The DEIR also needs to take into consideration whether special events will occur during all phases of construction. Will special events be held during phase one of construction? Will the project site be ready to accommodate hundreds of automobiles for special events that occur during phase one of construction, or any of the other construction phases? Please clarify.

g) **Page 2.0-16 (Phase II)** – The Project Description states that during Phase II, permanent athletic fields would be constructed. Because the Project Description does not include any mention of lighted athletic fields of other facilities, the City assumes that no lighted outdoor athletic facility is planned. The County

Dr. Daryl Koutnik  
May 18, 2005  
Page 6

should condition the Project to strictly prohibit any lighted outdoor athletic facility. If a lighted facility is planned, this Revised DEIR must be corrected to include night lighting in a generally unlit area and identify the significant impacts of incorporating such lighting into a rural area. The Revised DEIR should then be recirculated in accordance with CEQA.

h) **Page 2.0-16 (Phase III)** – The Project Description states that modular buildings will be removed during Phase III. The Revised DEIR fails to fully address the impact of the modular buildings. Again, how will the temporary structures be disposed of when they are no longer needed? The Revised DEIR generally evaluates impacts associated with the permanent construction of the ultimate plan on the site, and does not adequately disclose the impacts associated with temporary buildings. What kinds of short-term traffic impacts, or other types of impacts will be created when temporary buildings are removed from the site?

i) **Section 2.0 - CEQA Guidelines Section 15124(d)(1)(C)** requires the Lead Agency to include a list of environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. The Revised DEIR does not include such a list. Please revise accordingly.

## 2) ENVIRONMENTAL AND REGULATORY SETTING

a) **The DEIR must address potential inconsistencies between the Project and the City's General Plan.** CEQA requires that a legally adequate EIR must discuss any inconsistency between the proposed project and applicable general and regional plans. Although much of the actual Project site is located in the County, the DEIR proposes that traffic "improvements," including the entrance to the site, will be constructed in the City of Agoura Hills. The DEIR further acknowledges that the applicant must seek permits for such "improvements" from the City of Agoura Hills. Any such permits issued by the City must be consistent with the City's General Plan. Thus, at a minimum, and notwithstanding CalTrans' potential jurisdiction over one freeway-adjacent intersection in the City, the Circulation Element of the Agoura Hills General Plan is applicable to the Project. Yet the DEIR does not address the City's General Plan.

As an example, the Circulation Element of the City's General Plan states specifically that "Congestion at freeway ramp intersections, freeway overcrossings, and freeway frontage road intersections is one of the City's most significant

Dr. Daryl Koutnik  
May 18, 2005  
Page 7

circulation problems.” The Project apparently proposes to dramatically increase traffic in at least one such intersection in the City without any consideration of the City’s basic plans for such intersections or the City’s standards for traffic mitigation.

Mr. Kamino’s letter more completely lays out the City’s objections to the traffic mitigation measures proposed in the DEIR. I would only add that the City has its own standards for traffic signal warrants, Level of Service, and traffic improvements. It would seem fairly obvious that a legally adequate EIR must measure the significance of impacts and efficacy of proposed mitigation measures against the adopted standards of the jurisdiction in which the impacts will occur. Under the scenario proposed in the DEIR, the applicant and the County could approve a project in reliance on infeasible, ineffective or unacceptable mitigation measures that might meet County standards but would have to be imposed by another governmental entity in another jurisdiction. If the other entity refused to adopt those unacceptable mitigation measures, the County could then disavow the traffic problems its approval will create.

The fundamental problem with the DEIR’s traffic analysis and mitigation proposals has been and remains the County and the applicant’s complete failure to consult with and inform the City of Agoura Hills throughout the years leading up to the production of this DEIR. This basic failure to consult with the City violates CEQA and calls into question the legal adequacy of the DEIR. The analysis must be revised and recirculated to be accurate and to take into account the City’s traffic-related standards so that the DEIR is usable by the City as a Responsible Agency, and this section of the document recirculated.

### 3) ENVIRONMENTAL IMPACT ANALYSIS

a) **The DEIR’s methodology for measuring the significance of impacts after mitigation is inadequate.** In several sections of the Revised DEIR, the Revised DEIR fails to provide enough information to allow the reader to evaluate the effectiveness of proposed mitigation measures. One recurring problem is that thresholds of significance were not sufficiently defined in the Revised DEIR. Although an ironclad definition of “significant effect” is not always possible, determining whether a project may have a significant effect on the environment should be based on scientific and factual data and numbers. Without a clearly defined threshold of significance, a reader cannot meaningfully assess whether a mitigation measure indeed mitigates an impact to less than significant levels.

Dr. Daryl Koutnik  
May 18, 2005  
Page 8

b) **“Mitigation Measures already incorporated into Project” must be incorporated as conditions of approval.** The Revised DEIR takes the approach that the Project itself includes “mitigation measures” that tend to reduce the environmental impacts of the Project. If the Revised DEIR is correct that these measures are necessary to mitigate environmental impacts that would otherwise be associated with the construction and operation of the Project, these “incorporated” measures must be included as conditions of approval of the Project to ensure that all the environmental impacts of the Project are mitigated.

c) **Section 4.1 Visual Resources**

- On page 4.1-3, the Revised DEIR refers to an ordinance, which “requires grading activity to be performed in a manner that minimized disturbance to the natural landscape.” It is unclear to which ordinance the Revised DEIR is referring. Please clarify.
- **Significance Threshold Criteria** – On page 4.1-26, the Revised DEIR discusses the adverse impact of the project on neighborhood character and consistency of scale. It is, however, unclear what the threshold of significance is for neighborhood character and consistency of scale. The Revised DEIR states that the heights of residential homes in the area range from 15-30 feet. The Revised DEIR then proposes to place the smaller, less bulky multipurpose buildings (with heights of 38 feet and 33-1/2 feet toward the front of the site plans as to visually soften the impact. The Revised DEIR then concludes that this location plan would create no significant height and bulk impacts. The Revised DEIR fails to provide enough information to allow the reader to evaluate the effectiveness of these proposed mitigation measures. The significance of impacts after mitigation is not compared to a threshold of significance, and there is nothing more than a conclusory statement of impacts after mitigation without specific data. Without the clear determination of the threshold of significance, the reader can have no confidence that these proposed mitigation measures will result in insignificant height and bulk impacts.
- **Significance Threshold Criteria** – On page 4.1-27 (Light and Glare Impacts), it is not clear what the threshold of significance is for measuring the impacts of light and glare. The Revised DEIR does not include data that measures light and glare. If light and glare impacts are not

Dr. Daryl Koutnik  
May 18, 2005  
Page 9

measurable or quantifiable, the Revised DEIR should explain this. The Revised DEIR fails to provide enough information to allow the reader to evaluate the effectiveness of these proposed mitigation measures. The significance of impacts after mitigation is not compared to a threshold of significance, and there is nothing more than a conclusory statement of impacts after mitigation without specific data. Without the clear determination of the threshold of significance, the reader can have no confidence that these proposed mitigation measures will result in decreasing the impacts the project has on light and glare.

d) **Section 4.2 Transportation and Access**

- **The mitigation measures should require payment of “fair share” contributions to the City.** The Revised DEIR reveals that most of the traffic burdens of the Project will occur in the City, and traffic “improvements” are required to be constructed in the City. Certain mitigation measures require payment of “fair share” contributions for traffic improvements to the County. Those mitigation measures should instead provide for improvement payments to the City, in amounts to be determined by the City Engineer, and the Project must be conditioned to pay the City’s then-applicable Traffic Impact Fee.
- **On-Site Parking** – On page 4.2-12, the Revised DEIR states that “parking for the project will be provided by a total of 223 parking spaces located within several parking lots.” Neither the Revised DEIR nor the Traffic Study explains how it reached the conclusion that only 223 parking spaces would be sufficient to meet the needs of the school. The proposed number of employees at the new school was not disclosed. Given that the site may attract up to 1500 people for special events, 223 parking spaces appears to be insufficient to meet the parking needs for such events. The insufficient number of parking spaces may result in school visitors having to park in the residential areas surrounding the site. The Revised DEIR fails to address the impact of these special events on parking in the neighboring residential areas. The Revised DEIR also fails to include any mitigation measures to address this impact.
- **Trip Generation** – On page 4.2-14, under “Analysis,” the DEIR states that the “first step” in determining how the intersection of Driver Avenue

Dr. Daryl Koutnik  
May 18, 2005  
Page 10

and Palo Comado Canyon Road would operate during the peak commuting period when school is in session was to determine “the traffic generating characteristics of the existing Heschel West School. The existing school, it must be noted, has 187 students and 40 staff, according to the DEIR. The proposed school would house up to 750 students and an undisclosed number of staff, although approximately 167 staff members would be required if projected using the current school as a model, as the DEIR does for student-related trips. This section first states that the operations of the existing school were used as “a basis” for forecasting trip generation and describes the method of “data collection” on two days at the school. Two sentences later the DEIR states that “data was not directly collected to document daily traffic generation for the Herschel West School” and that the DEIR is making a trip generation “estimate” based on typical characteristics of “other private schools.” **Which is it?** Does the DEIR base its trip generation estimates on data collected from this school, or unspecified and unverifiable “characteristics of (unidentified) other private schools?” Without this clarification, the reader is unable to evaluate the accuracy of what the DEIR admits are, at best, estimates regarding the trips that will be generated by the new school at full capacity.

- **Employee and Staff Trips** – The DEIR does not state that traffic from the employees and staff of the proposed school are factored into the trip generation estimates. The DEIR implies that only student and visitor trips have been estimated. The additional traffic generated could be significant. If the estimated trip counts include staff and employee trips, that fact should be specified and the analysis supplied so that it can be evaluated. If not, this section of the DEIR should be revised to analyze the additional daily trips generated by employees and recirculated.
- **Construction-Related Traffic Impacts** – The DEIR fails to disclose and analyze the short-term construction related traffic impacts that would invariably result from a project of this magnitude. In particular, the DEIR should disclose and analyze the short term construction-related impacts associated with the construction of the traffic mitigation measures the DEIR proposes. As one example, the “traffic roundabout” alternative, if adopted, would cause extreme traffic impacts in the vicinity of a very busy intersection. The DEIR should identify those impacts, and impose

Dr. Daryl Koutnik  
May 18, 2005  
Page 11

mitigation measures such as peak hour construction limitations, signage and other temporary measures to mitigate the impact on people traveling the roads of Agoura Hills. In addition, the DEIR fails to mention or account for traffic generated by construction vehicles, parking needs of construction workers and equipment storage. All of those temporary impacts should be identified and mitigated through the use of City-approved schedules and construction traffic routes that meet the requirements of the Municipal Code. Without the addition of this information and recirculation, the City as a Responsible Agency may not be able to rely on the DEIR as drafted as a basis for approving the ill-defined permits the DEIR indicates the Project will require from the City.

- **Inconsistency with County Master Plan of Highways and City's General Plan** – At pages 4.2-38 and 4.2-39, the DEIR indicates that the proposed project is inconsistent with the County Master Plan of Highways. A project cannot be made “consistent” with a lawfully adopted Master Plan simply by virtue of the applicant having obtained a “waiver,” the legal authority for which is not specified in the DEIR. The County should amend its Master Plan of Highways to be consistent with current conditions and the proposed Project, or the DEIR should be revised to indicate that the Project is inconsistent with the Master Plan. Such an inconsistency is by definition a significant impact under CEQA. In addition, this Section of the DEIR should be amended to disclose that the proposed access measures and traffic improvements are inconsistent with the City's General Plan, as specified above and in the comment letter from Mr. Kamino. Those inconsistencies, for which a “waiver” is not available under State law, make the identified traffic impacts significant and the proposed traffic mitigation measures infeasible.
- **Deferral of Mitigation Measures and Inadequate “Fair Share” Analysis** – The City objects generally to the DEIR's proposal to “phase in” traffic mitigation measures over an unspecified time schedule. The DEIR does not specify a schedule and does not connect the proposed phases of the Project to the specific numbers of trips that would be generated by each phase. Therefore, to guarantee that traffic is mitigated to the maximum extent feasible, if the project is approved full traffic mitigation measures acceptable to the City of Agoura Hills must be imposed and completed as conditions of the initial building and grading

Dr. Daryl Koutnik  
May 18, 2005  
Page 12

permits. Once the school commences even a small scale operation, the probability exists that serious traffic impacts will be felt immediately even if the full complement of 750 students is not in attendance on day one. Because the DEIR inadequately addresses and analyzes the impacts from special events at the school – which events could occur during Phase 1 – it must be assumed that up to 1500 people could attend a special event at the school even during Phase 1. Again, this demonstrates the need to complete all traffic mitigation measures at the beginning of the Project. In addition, the City objects to the County's stated intention of calculating the Project's "Fair Share" contribution to improvements in the City. Those "Fair Share" contributions should be calculated by the City since it is the City's taxpayers who will bear the burden of traffic generated by the Project if it is approved.

e) **Section 4.3 Noise**

- **Page 4.3-18 (Construction Activity)** – The Revised DEIR states that “[m]itigation measures outlined above would reduce this impact below a level considered significant.” The Revised DEIR fails to provide enough information to allow the reader to evaluate the effectiveness of proposed mitigation measures. Proposed mitigation measures are not tied to specific impacts, and there is nothing more than a conclusory statement of impacts after mitigation without specific data. On page 4.3-18, six mitigation measures are imposed without any description of the impacts each is intended to mitigate. In addition, no data (e.g., decibel levels or ranges) are provided for the level of significance after mitigation. Without any supporting data or analysis, the Revised DEIR then concludes mitigation measures would reduce any significant impacts below a level considered to be significant. Without supporting data or analysis, the reader can have no confidence in this conclusion.
- **Page 4.3-19 (Point Source Noise Impacts)** – The Revised DEIR states that “[e]stimated noise levels experienced at the exterior residential property line due to kids playing . . . is estimated to be 40dB(A), and that “exterior noise levels at the residential property line are estimated to be approximately 57 dB(A) during the minute that a bell is activated.” The Revised DEIR, however, does not explain how these estimations were calculated. There are no references to specific noise studies, noise data or

Dr. Daryl Koutnik  
May 18, 2005  
Page 13

formulas used to calculate such estimations. The Revised DEIR fails to provide sufficient data or analysis to support these conclusions.

- **Page 4.3.-20** – The Revised DEIR contains inconsistencies as to the approximate number of parking spaces dispersed on site. Page 4.3-20 states that there will be 189 parking spaces, while other portions of the Revised DEIR provide that there will be 223 parking spaces. Please clarify.
- **Page 4.3-20** – The Revised DEIR concludes that adjacent residential uses will experience exterior noise levels generated by parking lot activity around 46dB(A) with a peak noise level of about 74 dB(A). Again, the Revised DEIR, however, does not analyze how these conclusions were reached. There are no references to specific noise studies, noise data or formulas used to calculate such noise levels. The Revised DEIR fails to provide sufficient data or analysis to support these conclusions.
- **Page 4.3-21** – The Revised DEIR states that “[m]itigation measures outlined above would reduce this impact below a level considered significant.” The Revised DEIR fails to provide enough information to allow the reader to evaluate the effectiveness of proposed mitigation measures. Proposed mitigation measures are not tied to specific impacts, and there is nothing more than a conclusory statement of impacts after mitigation without specific data. On page 4.3-21, four mitigation measures are imposed without any description of the impacts each is intended to mitigate. In addition, no data (*e.g.*, decibel levels or ranges or noise levels) are provided for the level of significance after mitigation. Without any supporting data or analysis, the Revised DEIR then concludes mitigation measures would reduce any significant impacts below a level considered to be significant. Without supporting data or analysis, the reader can have no confidence in this conclusion.

f) **Section 4.5 Biological Resources**

- **Significance Threshold Criteria** – On page 4.5.-30, three of the thresholds of significance are defined by whether the project has a “substantial adverse effect” on any species, habitat, sensitive natural

Dr. Daryl Koutnik  
May 18, 2005  
Page 14

community or wetlands. The DEIR does not, however, quantify or define what constitutes a “substantial adverse effect.” Is it possible to determine that the destruction or displacement of a certain percentage of a particular plant or animal species would be deemed “substantial”? If there is no quantifiable way to measure a substantial adverse effect on any species or habitat, the DEIR should explain this. Otherwise, there is no meaningful way to compare the impacts of mitigation against the threshold of significance in the absence of some measurement of what constitutes substantial.

g) **Section 4.6 Geotechnical Hazards**

- On page 4.7-7, the Revised DEIR states that “[s]ufficient capacity is available in the existing system to accommodate the project needs.” This statement is not supported by any data, and there is no way for the reader to confirm whether this is true. Please provide the data necessary to confirm this statement.

h) **Section 4.7 Fire Services and Hazards**

- On page 2 of Appendix 4.7 (Fire Services and Hazards Data), a letter from the County of Los Angeles Fire Department states that “[i]n the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures shall be required.” If there is a possibility that the developer fee will no longer be in effect at the time the building permit is issued, has the County prepared alternative mitigation measures to address the various impacts that would typically be mitigated by the developer fee?
- **Significance Threshold Criteria** – On page 4.7-1, the thresholds of significance are defined in a manner that is too general for meaningful analysis. On page 4.7-13, the Revised DEIR states that a project has an adverse impact on fire services if the project creates a *potential for inadequate staffing* of fire stations or creates a *substantial decline in response times* to handle calls for services. What constitutes “inadequate staffing” and a “substantial decline in response times?” The DEIR does not explain what constitutes “inadequate staffing” and a “substantial decline.” The public and surrounding governmental entities that would be

Dr. Daryl Koutnik  
May 18, 2005  
Page 15

most affected by this potential inadequacy would be best informed by the use of staffing formulas and actual response time goals. If there is no quantifiable way to measure what constitutes inadequate staffing or substantial decline in responses, which seems unlikely, the DEIR should explain this. In the absence of a more defined threshold of significance, there is no meaningful way to compare the impacts of mitigation against the threshold of significance, and the analysis in this section appears to be the subjective opinion of the drafter.

- **Page 4.7-22** – The Revised DEIR poses the following question as one of the public issues it analyzes: “Would the proposed school hinder the evacuation of residents in the community of Old Agoura during a wildfire?” The Revised DEIR fails to answer this question sufficiently. The Revised DEIR refers to an “Emergency Evacuation Plan” that will outline the procedures and responsibilities to ensure a safe and orderly evacuation.” It appears, however, that such an “Emergency Evacuation Plan” has not yet been drafted. Therefore, there is no way to evaluate whether the Emergency Evacuation Plan would or would not result in hindering the evacuation of the residents in Old Agoura. Does the Emergency Evacuation Plan also contemplate the safe and orderly evacuation of Old Agoura residents? The Revised DEIR also fails to analyze whether the proposed school, in the event of an evacuation of *both* the proposed school and the community of Old Agoura, would ultimately hinder the evacuation of the community of Old Agoura.

i) **Section 4.9 Hydrology and Water Quality**

- **Significance Threshold Criteria** – On page 4.9-9, the DEIR states that a project would have a significant impact if it “substantially alters the existing drainage pattern or increases the rate of surface runoff such that it . . . results in substantial sedimentation or erosion” or it would “substantially degrade surface or groundwater quality.” The DEIR does not, however, explain what constitutes “substantial.” What constitutes substantial degradation or substantial erosion? There is no way to compare the impacts of mitigation against the threshold of significance in the absence of some measurement of what constitutes substantial.

Dr. Daryl Koutnik  
May 18, 2005  
Page 16

- On page 4.9-10, the DEIR states that the project engineer has designed a drainage concept under which “all surface runoff within the developed areas of the site will be collected and conveyed by the drain network to a safe point of discharge at one of two off-site improved drainage channels.” Section 4.9 of the DEIR does not make clear where the drain network will be located and how the drain network functions. In addition, the DEIR does not include any analysis of whether the Project would substantially alter the existing drainage pattern.

4) ALTERNATIVES

a) Alternative 2 – Subdivision

- **Geology and Geotechnical Hazards** - On page 5.0-7, the Revised DEIR states that “[f]rom a seismologic point of view, neither the proposed project nor this alternative is considered environmentally superior.” There is no analysis, however, explaining how this conclusion was reached.
- **Air Quality** – On page 5.0-8, the Revised DEIR states that “[t]he area of land disturbed during grading would be greater under this alternative than the proposed project . . . .” There is no data, however, provided in the discussion of the effect of Alternative 2 on air quality, to support this conclusion. Without supporting data or analysis, the reader can have no confidence in this conclusion.
- **Hydrology and Water Quality** – On page 5.0-8, the Revised DEIR states that “the project would contain a greater amount of non-erosive surfaces than this alternative, thereby reducing debris, so the amount of runoff (water plus debris) from the site would be less with the project than under this alternative.” Again, there is no data, or other information regarding the effect of Alternative 2 on water quality, to support such a conclusion. The CEQA Guidelines requires that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. Without supporting data regarding the effect of Alternative 2 on water quality, the reader can have no confidence in this conclusion.

Dr. Daryl Koutnik  
May 18, 2005  
Page 17

b) **Alternative 3 – Modified Site Plan**

- Alternative 3, discussed on page 5.0-9, does not sufficiently describe the location to where the project will be relocated. Please clarify.
- Also on page 5.0-9, the Revised DEIR states that “[i]n no case will event attendance exceed the student population.” Given that maximum student population of the project is 750 students, this assertion is inconsistent with other information contained in the DEIR, which states that some events will draw 1500 people. Please clarify.

c) **Alternative 4 – Reduced Density**

- The description of Alternative 4 indicates that the Reduced Density Alternative would accommodate 472 students and staff as compared to the current 227 students and staff at the existing school. It is inaccurate and misleading to state, as the DEIR does, that a facility that could more than double the school’s student and staff population is “only slightly larger than the current temporary facilities used by the school.” We note that Alternative 4 would allow for approximately six years of projected student growth under the assumptions adopted in the DEIR, as opposed to the approximately eleven years’ growth requested by the applicant. However, Alternative 4 clearly and dramatically reduces the significant environmental effects of the Project. CEQA favors the environmentally superior alternatives to proposed projects, even in cases where the alternative might, to some degree, impede attainment of the project objectives or be more costly. CEQA Guidelines Section 15126.6(b). Although the DEIR suggests that this alternative would impede or not meet two specific objectives of the Project, there is no data presented in the DEIR to support those claims. Bare conclusions without supporting facts and analysis are legally inadequate under CEQA. The DEIR should provide specific, quantifiable facts and data to support the assertion that a school of 472 students and staff will not be of “sufficient size....” Further, the DEIR should specifically indicate why a smaller school, which presumably would still need classrooms and some recreational area, would not provide any opportunity for public and private youth-oriented recreational activity and a community meeting facility. Again, the simple

Dr. Daryl Koutnik  
May 18, 2005  
Page 18

fact that an alternative may be more costly or less successful than an applicant would like is not a sufficient reason to reject an environmentally superior and feasible alternative.

We appreciate the opportunity to comment on the DEIR and look forward to seeing these and other comments incorporated into a legally adequate and recirculated DEIR and, ultimately, a final EIR as necessary. Please contact me should you have any additional questions.

Very truly yours,



Craig A. Steele

cc: Mayor and City Council  
Greg Ramirez, City Manager  
Mike Kamino, Director of Planning and Community Development  
Candice K. Lee, Esq.



---

*"Gateway to the Santa Monica Mountains National Recreation Area"*

---

May 16, 2005

Daryl Koutnik  
County of Los Angeles  
Department of Regional Planning  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, CA 90012

SUBJECT: COUNTY PROJECT NO. 98-062, CUP NO. 98-062, SCH NO. 1998101060;  
HESCHEL SCHOOL PROJECT REVISED DEIR

Dear Mr. Koutnik:

Thank you for the opportunity to review and provide comments on the Revised Draft Environmental Impact Report (DEIR) for the Heschel School Project. The project involves the construction of a private school on a 73-acre site located within unincorporated Los Angeles County, adjacent to the eastern boundary of the City of Agoura Hills. A DEIR was previously prepared and circulated for public review in October 2002, with hearings conducted in March and May of 2003, and the City of Agoura Hills submitted a letter on the DEIR. At that time, we understand that the County Regional Planning Commission requested that the DEIR be revised to address further issues, and recirculated pursuant to the California Environmental Quality Act (CEQA).

The project is to be built on property located solely within the unincorporated area of Los Angeles County, but the site directly abuts our city. As such, many of the impacts associated with the project will have the potential of significantly affecting our City, and many of the mitigation measures will need to be implemented within our City limits. Therefore, it is important that the EIR prepared for this project serve as a full environmental disclosure document, and that project alternatives and appropriate and feasible mitigation measures be identified in the EIR.

Main access to the site is proposed through the City of Agoura Hills via the easterly extension of Canwood Street. The Draft EIR identifies a number of traffic improvements, including roadway widenings and signalization of intersections, all within the City of Agoura Hills to accommodate this project. However, the City has not been consulted in the development of these mitigations and we have strong opinions that are contrary to the

recommendations. For example, the proposed traffic mitigation measures at the intersection of the 101 Freeway and Palo Comado Canyon Road/Canwood Street are not acceptable at all. We believe that the proposed roundabout and/or signal modifications will not operate in a safe or efficient manner. The City will not approve the designs as shown in the DEIR. Additionally, several other mitigation measures are recommended. However, the report states that a "fair-share" will be paid by the developer. Again, this is not acceptable as we recommend that the mitigation be installed or the applicant identifies the dollar value and to whom the mitigation would be paid. All "fair share" arrangements shall be reviewed by the City. Finally, all traffic improvements constructed in the City must be acceptable to the City, and are subject to our design approval, Caltrans approval, and the County of Los Angeles Public Works signal design and maintenance operations approval.

Moreover, the site is located at the entrance of Old Agoura, a distinct low density residential neighborhood characterized by the large lots suitable for horse keeping and the presence of native plants (including an abundance of oak trees) in home landscaping. Also, the existing infrastructure such as roads, drainage system, and lack of street lights are characteristic of a non-urban community. The City has in place a number of ordinance and policy provisions to help retain and enhance this rural setting. It is important that mitigation measures adopted for this project are compatible with and respectful of the fabric of Old Agoura.

The City of Agoura Hills prepared a detailed letter regarding the original DEIR, dated December 11, 2002. We are pleased that many of the comments raised in that letter have been responded to in the current Revised DEIR. However, there are still a number of items that have not been adequately addressed, should be addressed further, or are new issues based on the updated project. We would appreciate your responses to the following items in the Revised DEIR.

## **GENERAL COMMENTS**

1. Starting on page 2.0-11, project Phases I through VI are described, but only generally, and therefore inadequately. As presented, it is challenging for the reader to fully understand the incremental development of the project, and therefore be provided with a clear understanding of the potential project impacts pursuant to CEQA. The specific development data of each phase (particular buildings/facilities and other improvements or infrastructure with square footage, location and height of each) should be clearly outlined in a table format. An exhibit highlighting the specific development in each phase would also be extremely useful. In order to accurately analyze potential impacts as the project is gradually developed through these phases, a separate impact/mitigation measure discussion by environmental issue area should be provided for each phase, and assessed cumulatively as the phases proceed. This is of particular importance, since there is no guarantee that subsequent phases would actually be constructed. Therefore, each phase's impacts should be mitigated at the time of implementation. Equally important is identifying who will be responsible for implementing and paying for these mitigations.

2. Section 2.0 Project Description (pages 2.0-2 and 2.0-9 through -10) describes the purpose of the project and briefly notes possible additional uses of the school facility. One of the project objectives on page 2.0-2 states, "Construct a 'state of the art' private, educational, cultural, and recreational facility." This implies that the project is intended to serve as more than just a school. However, there is insufficient data provided in Section 2.0 regarding these other uses to provide the basis for an adequate impact analysis in Section 4.0 under each environmental issue area. The DEIR needs to specifically address, for example, how these special events would impact noise, parking and traffic in the area. The estimated type, size, frequency and location of the special events needs to be stipulated and parameters/restrictions placed around the events to ensure that there are no adverse significant impacts. Page 2.0-10 notes that *evening* events attracting more than 150 persons would be limited to 24 occurrences annually. This equates to every other week, which is a substantial amount of large special events. No mention is made of the limitations on *daytime* events attracting more than 150 persons. Therefore, it is assumed that the daytime large events would be in addition to these evening events.
3. The project description notes that the school will accommodate students in the K-8<sup>th</sup> grade range. However, the structures and other amenities can easily accommodate a high school. As such, the DEIR should also consider potential impacts of expanding this facility to include high school students.

## **SPECIFIC COMMENTS**

### **Section 2.0 Project Description**

4. Page 2.0-2, 2<sup>nd</sup> paragraph: The discussion of "PROJECT APPROVALS AND ENTITLEMENTS" should also note that acceptance, design, approval and issuance of encroachment permits from the City of Agoura Hills would be necessary for drainage and right-of-way improvements proposed as part of the project.
5. Page 2.0-12, 4<sup>th</sup> paragraph: Reference is made to multi-purpose rooms (Buildings A and B) being constructed in Phase I, but these buildings do not appear to be shown on Figure 2.0-5 Phase I Site Plan. Please clarify when these buildings would be constructed and where.

### **Section 3.0 Environmental and Regulatory Setting**

The site is located within the County's Santa Monica Mountains North Area Plan (NAP) boundaries. The origins of the NAP date back to the early 1990s when four area cities, two municipal service agencies, and the National Parks Service joined a coalition with the County of Los Angeles to fund and develop a comprehensive set of revisions to the region's land use plans. Among the purposes of this effort was to produce an integrated land use and transportation policy that is acceptable to the program's participating agencies, preserves open space, resolves existing and potential conflicts between the

agencies, defines a system to coordinate land development with the provision of infrastructure, establishes stable boundaries between urban and rural areas, protects the character of existing urban and rural communities, and respects the individual interests of each agency. Moreover, all the participating agencies embraced the guiding principle of the NAP which is "let the land dictate the type and intensity of land use." The land use policy map of the NAP was developed based on these basic tenets. Specifically, the subject site is designated N5 on the land use map, which would allow for residential development at a density of one unit per five acres, yielding a maximum of 14 single family homes. While a private school is permitted with the approval of a CUP, a development containing in excess of 166,000 sq. ft. of building area and the associated alteration of land to accommodate a 750 student school was not contemplated in the NAP nor was the infrastructure, especially traffic, planned to accommodate such use. Therefore, it is important that the DEIR contain analysis of how the proposed project and the mitigation measures comply with the regulatory setting established under the North Area Plan. The following are specific comments related to the Environmental and Regulatory Setting section of the report.

6. Page 3.0-6, "Surrounding Land Use": This discussion should more accurately reflect the unique character of Old Agoura, with its predominant equestrian uses and more rustic, semi-rural character. Instead, the text describes the local setting as "suburban in nature." Greater emphasis should be placed on the special character of this adjacent residential community.
7. Page 3.0-12, last paragraph: Reference is made to substantial setbacks being provided – in excess of 300 feet from adjacent residential properties. This distance appears inaccurate from Figure 2.0-5, and page 4.1-23 states that "the site plan incorporates a minimum 100-foot buffer between adjacent residential uses." The DEIR should clarify this distance, and the distance noted should be consistent throughout the document.
8. Page 3.0-15: Goal VII of the North Area Plan (NAP) includes a well-integrated transportation system, including public transit modes. In this section, the DEIR states that the project would facilitate use of public transit through placement of an educational facility near to established transit routes, however elsewhere in the document it is noted that students would likely not utilize public transit. It appears that the prohibitively long, steep driveway entrance to the school would further discourage the use of public transit by students walking from the campus. The project should include some form of shuttle from the campus proper to transit stops in Agoura Hills to fully meet the intent of the NAP goal. Additionally, the project should incorporate a vanpool or other carpool system, with strong incentives for its use by students and faculty/staff.
9. Page 3.0-17, "Hillside Management Goals & Policies" and p. 4.6-15 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs under Item 2: As described in the DEIR, the project does not seem consistent with Goal IV-2 and Policies IV-12 and -13 of the NAP. There would be manufactured slopes of up to 50 or 60 feet (the information on p. 4.6-15 seems to

be contradictory), not the maximum 10 feet encouraged by the NAP, nor the 25-foot maximum slope height allowed in the City. Also, the project would cut significant ridgelines, contrary to the NAP policy. The DEIR argues that the project is consistent with the NAP in these areas, but the text does not support this conclusion. Further analysis and discussion of the policy consistency, and perhaps changes to the project, are warranted.

10. Page 3.0-29: The DEIR describes the areas immediately to the west of the subject site (Old Agoura) as "suburban residential." However, Old Agoura lacks many of the characteristics of a suburban development, and in fact should be characterized as semi-rural.
11. Page 3.0-30 (and throughout document): Reference is made to the proposed use being permitted under the land use designation and zoning. This section goes on to note that the project can be found consistent with the general goals and policies of the North Area Plan (NAP). It should be clarified that the project requires a conditional use permit (CUP) with certain findings to be made, and consistency with the NAP would in part be predicated on approval of the CUP.
12. Page 3.0-33, discussion of Agoura Hills Ventura Freeway/Can wood Corridor Visions Plan: This Visions Plan is not a regulatory document, but rather a conceptual design study commissioned by the City for the sake of creating a development vision for the north freeway corridor. This study was completed in 1998, and the freeway interchange improvements shown on this vision plan have since been revised significantly to reflect loop ramps rather than hook ramps. The DEIR must be corrected to clarify that the Visions Plan is intended as a design study and not a regulatory land use plan or a transportation plan.

#### **Section 4.1 Visual Resources**

13. The discussion of impacts in this section (particularly on page 4.1-26) needs to include an overall analysis of the proposed landscape design in the context of the surrounding community, not just as viewed from certain vantage points. The landscape design should be naturalistic in approach, although trees in some areas (e.g., parking lots) would resemble an orchard-like layout. It is important that these design elements be clearly specified as components of the project in the DEIR, or at least be outlined in the DEIR as mitigation measures. Mitigation Measure 4.1-1 on page 4.1-24 needs to describe the types of vegetation to be planted (Valley Oaks, species of other plants and shrubs, etc. - native species should be used) and the specific locations (an exhibit would be highly useful) along the site perimeters in order to verify that there will be adequate screening for aesthetic purposes, and potentially significant impacts would be mitigated.
14. Figures 4.1-5 through 4.1-6 depict expected views of the project site from various off-site locations via photo-simulation techniques, and incorporate proposed landscaping. The text should note the number of years after planting that the

vegetation is depicted to gain a better understanding of the potential visual impacts at different stages in time. Further, it would be useful to provide a photo-simulation exhibit of the vegetation just after installation, approximately three years later, and at full maturation (with the estimated year).

15. Page 4.1-28, Mitigation Measure 4.1-3(6): This measure should be revised to require motion sensor devices on all security lighting. If such devices are not feasible, then an alternate, low-level lighting fixture should be utilized. The intensity of the security lighting should be as minimal as practical, especially on exterior portions of the site adjacent to open space and residential areas.
16. Page 4.1-28, 1<sup>st</sup> paragraph and Mitigation Measure 4.1-3(2): The text in the first paragraph on page 4.1-28 should include a discussion of the various "lighting zones" and how they are defined in terms that the reader can readily understand. Reference is made to Lighting Zone 4 in this paragraph, and Mitigation Measure 4.1-3(2) references Lighting Zone 2. However, no explanation of Lighting Zone 2 is provided. The paragraph notes that studies have shown that the average lighting power density for school parking lots and roadways is 0.05 watts/square foot, while that for campus security lighting is 0.10 watts/square foot. Consequently, Mitigation Measure 4.1-3(2) stipulates that the parking lots should have no more than 0.05 watts/square foot. However, the semi-rural setting of the project site, surrounded by designated open space areas and a low-density residential neighborhood with equestrian uses, should be a significant consideration when determining the appropriate wattage for the parking lot. The school site is not typical of areas where schools are normally located, which is often within an existing urban environment, and the allowed wattage should be reduced accordingly. Therefore, this mitigation measure should stipulate wattage less than 0.05, and the mitigation measure should also stipulate wattage less than 0.10 for security lighting and wattage less than 0.08 for walkway lighting. Additionally, the EIR should explore parking lot lighting alternatives to the typical light pole standards that are lower in scale and prominence, such as bollards. A low (about three feet), decorative wall around the perimeter of the parking lot near the existing residences to shield vehicle headlights should also be added to the project. As proposed, Mitigation Measure 4.1-3 is not adequate, and additional measures could further reduce impacts.
17. A discussion of potential glare and possible light reflection from roofing materials should be provided in this section. On page 4.1-29, Mitigation Measure 4.1-4: This measure should also prohibit non-reflective roofing materials.
18. Page 4.1-31, "Public Issues": This section describes potential aesthetic impacts from "initial phases" of the project. As noted in General Comment #1, starting on page 2.0-11, Phases I through VI are described. In order to accurately analyze potential impacts as the project is gradually developed through these phases, a separate impact/mitigation measure visual resources discussion should be provided for each phase and cumulatively as the phases proceed. This is of particular

importance, since there is no guarantee that subsequent phases would actually be constructed. Therefore, each phase's impacts should be mitigated at the time of implementation.

19. Page 4.1-23, 2<sup>nd</sup> paragraph: This section notes that the pre-kindergarten unit is a one-story building with a total height of 33 ½ feet, and will be the closest structure to nearby residential uses. This height seems excessive for such a use that is limited to one story. This building should be scaled down, given its proximity to adjacent residences. Similarly, the discussion in the last paragraph on page 4.1-26 should be revised. The text is misleading in that it states that, "The taller buildings with greater mass will be located towards the rear of the site plan, further back into the site interior. The site plan places the smaller, less bulky multipurpose room, school entry, and auditorium (with a height of 38 feet) along with the pre-kindergarten (with a height of 33-1/2 feet) toward the front of the site plan." In actuality, the Pre-K building and the 38-foot multi-purpose room are quite tall, and so there does not appear to be much of a height transition from the edges of the site. The buildings depicted on Figures 2.0-3a and -3b, which appear to include some of the larger, interior buildings, scale off at about 30 feet, less than the Pre-K structure. Therefore, the conclusions made in the DEIR regarding aesthetic impacts from building heights appear contradictory and not substantiated by adequate data. As noted in Comment #1, the DEIR needs to clearly list the various buildings proposed and their heights. Assuming from the data in the DEIR that the "taller" structures would be over 38 feet, even though they would be placed in the site interior, the heights of these taller two-story structures should also be lowered to minimize visual impacts as viewed from off-site by maintaining consistency with the lower scale structures of the community. These buildings could continue to be two stories, but be reduced in height. Reducing the building heights is a feasible measure to mitigate potential aesthetic impacts.
20. Page 4.1-28, Mitigation Measure 4.1-3: A measure should be added to require photometric mapping of off-site illumination to be provided to the County of Los Angeles Department of Regional Planning for review and approval to ensure that lighting impacts are minimized.
21. A discussion of roof-mounted mechanisms should be provided in this section. The following mitigation measure is recommended for incorporation into the DEIR: "Any roof mounted venting, elevator or heating equipment shall be fully screened from public view, including the residential properties to the west. Roof screening treatments, if needed, shall be subject to the approval of the County of Los Angeles Planning Department."
22. To further minimize potential visual impacts from off-site from the siting of the parking lot, the DEIR should consider breaking the parking field into orchard-planted smaller pattern parking areas in other portions of the site either as a project

alternative. This will better preserve the rural nature of the site and surrounding community.

23. To ensure that the open space area proposed on the western edge of the site, between the school parking lot and the existing Old Agoura residences, is retained in a natural, undeveloped state, the DEIR should address methods of dedicating this area of the site as permanent open space. Such methods could include easements, deed restrictions, etc. Additionally, native species revegetation should be considered in this area, along with possible other passive uses mentioned in our previous letter DEIR letter dated December 11, 2002, including: low-intensity equestrian facilities, open fields for grazing, and other related uses compatible with the surrounding area.

#### **Section 4.2 Transportation and Access**

##### 24. Traffic Mitigation Measures

The traffic analysis prepared for the DEIR found that the project could create significant traffic impacts at the following three intersections:

- Canwood Street and Chesebro Road at Driver Avenue/Palo Comado Canyon Road;
- Palo Comado Canyon Road at the westbound U.S. 101 ramps; and
- Chesebro Road and U.S. 101 eastbound ramps at Dorothy Drive.

A series of mitigation measures are proposed for these impacts. For the Canwood Street and Chesebro Road at Driver Avenue/Palo Comado Canyon Road intersection, a signal is recommended. Alternately, improvements to the eastbound and westbound approaches with a left turn lane and shared through/right turn lane and some minor roadway widening could be accomplished. At Palo Comado Canyon Road at the westbound U.S. 101 ramps, the DEIR mitigation measure includes either a roundabout, or a traffic signal with restriping of lanes and widening of roadways. Lastly, for the Chesebro Road/U.S. 101 eastbound ramps, the mitigation measure consists of a traffic signal. Alternatively, the northbound approach could be restriped to provide one shared left-turn/through lane, and one shared through/right-turn lane, as well as creating two receiving lanes on the U.S. 101 on-ramp. Additionally, the DEIR includes improvements along the west side of Palo Comado Canyon Road to complete a 32-foot roadway from Canwood Street/Chesebro Road to the westbound U.S. 101 on-ramp. Also, mitigation measures for potential cumulative impacts include installing a traffic signal at both the Chesebro Road/Palo Comado Canyon Road, and Chesebro Road/Laura La Plante Drive at Agoura Road.

As currently designed, some of the proposed solutions are not acceptable to the City of Agoura Hills, and would not be approved by the City. It is important to

note that the traffic impacts would affect areas within City boundaries, and the improvements outlined in the mitigation measures would occur within City limits. Therefore, acceptance of these mitigations, approval of their design, and issuance of encroachment permits from the City of Agoura Hills would be necessary.

The City believes that certain mitigation measures are infeasible and fundamentally flawed. For example, the proposed sole access point on Canwood Street at Palo Comado Canyon Road is unacceptable, as the amount of traffic entering and exiting Canwood Street in close proximity to the westbound U.S. 101 ramps cannot be adequately mitigated. The applicant has now proposed a roundabout. The roundabout as currently shown would not function well due to several problems:

- The internal diameter of the roundabout is too small. A larger diameter is needed for safe and efficient movement. The EIR has not addressed the impacts for land and/or business acquisition.
- The outside diameter of the roundabout is too small. If a roundabout was to be utilized at this intersection, it should accommodate two lanes of traffic (not one).
- With 5 legs of ingress/egress at this location, the proposed roundabout is a safety concern.
- The roundabout does not accommodate the City's General Plan future bridge widening proposal.

A traffic signal at this same intersection would also be problematic. This issue was detailed in our previous comments to the applicant during the last DEIR review, and is not an acceptable mitigation measure. The close proximity of Canwood Street from the freeway ramps would create conflicting traffic signal indications for drivers turning right from the freeway off-ramp or those proceeding north on Palo Comado Canyon Road.

Moreover, the City is concerned with the remaining recommendations to install traffic signals at several other area intersections, given the significant change in character resulting from such improvements, which would create a more urban environment in what is now a fairly semi-rural neighborhood. At this time, the City recommends that the only additional signal to be installed should be located at the EB 101 freeway ramp at Dorothy Drive.

The DEIR needs to reassess the proposed mitigation measures to create more feasible solutions to the anticipated significant traffic impacts caused by the project. This would include coordination with staff of the City of Agoura Hills to explore other options, and there would need to be coordination with other agencies, such as Caltrans and the County of Los Angeles Public Works Department to ensure that all appropriate agencies find the specific solutions acceptable. In any case, the DEIR should also assess potential impacts from implementation of the listed mitigation measures.

25. Page ES-10 and throughout Section 4.2: Canwood Street and Chesebro Road at Driver Avenue and Palo Comado Canyon Road. The wording that states "...a traffic signal is necessary ..." should be changed to "a traffic signal is recommended..." Also, it should be noted that the City of Agoura Hills is not recommending a traffic signal at this location. Therefore, the applicant shall be required to improve the intersection based upon other acceptable mitigation improvements. As stated on Page ES-10, Section 4.2-6, additional right-of-way will be required at this intersection. The applicant shall be required to acquire all necessary right-of-way prior to issuance of a grading permit for the site. In addition, the EIR shall evaluate the acquisition of the right-of-way from the adjacent property owners. The last paragraph of this mitigation measure should be eliminated and written as follows: "This mitigation measure shall be implemented prior to certificate of occupancy for the first building."
26. Palo Comado Canyon Road at US 101 Westbound Ramps. The roundabout as shown is not acceptable. The applicant shall evaluate a 2-lane roundabout that will accommodate future traffic and the Palo Comado bridge widening as shown on the Traffic Circulation Element of the City's General Plan. The roundabout shown will need to have a larger inside and outside diameter to accommodate all movements. This will require the taking of additional private property and will need to be evaluated as part of the EIR. As stated in our last comments, the applicant should fully explore other access points and eliminate the Canwood Street access. In addition, it should be noted that Caltrans will not conduct the necessary engineering studies to determine which of the two alternatives are selected. All studies will need to be conducted by the applicant. Any mitigation measure that is approved for this section shall be implemented prior to issuance of a Certificate of Occupancy for the first building.
- The traffic signal alternative is still not an acceptable solution. See previous comments from our submittal during the last DEIR review period. The City has not received any verbal or written communication from Caltrans, or the County of Los Angeles Public Works Department that either of these alternatives would be supported or acceptable.
27. Chesebro Road and US 101 Eastbound Ramps at Dorothy Drive. The traffic signal as proposed for this intersection is acceptable to the City at this time. The applicant shall implement this mitigation measure prior to issuance of a Certificate of Occupancy for the first building. This should be clarified in the DEIR.
28. Page ES-9 and throughout section. The "fair share" needs to be established at this time. Also, it should be stated in the EIR that all "fair share" costs shall be paid to the City of Agoura Hills.

29. Canwood Street and Chesebro Road at Driver Avenue and Palo Comado Canyon Road. This item shows that there will be a need to acquire right-of-way. The applicant shall be conditioned to acquire the right-of-way and complete the improvements prior to Certificate of Occupancy of the first building. This should be reflected in the DEIR.
30. Page 4.2-46 states that all of the cumulative mitigation measures are identical to or consistent with area improvements described in the City of Agoura Hills General Plan EIR. This is incorrect. The General Plan does not indicate any changes to Chesebro Road at the eastbound freeway ramps, nor does it show widening of Chesebro Road from the freeway ramps to Palo Comado Canyon Road. Additionally, the proposed roundabout does align with the proposed future widening needs for Palo Comado bridge widening as shown in the City's General Plan.
31. This section needs to address potential impacts from implementation of the proposed mitigation measures. For example, traffic signals in close proximity to one another would likely precipitate queuing of vehicles, thereby impeding the traffic flow. Signalizing intersections in close proximity would also likely lead to potentially conflicting signals and perhaps create safety concerns.
32. This section needs to analyze the impacts on traffic and parking of special events, as described in Section 2.0 Project Description (see also General Comment #2). Page 4.2-37, 1<sup>st</sup> paragraph under "Parking and Access," notes that the parking supply will be sufficient to meet the daily demands of faculty, staff and visitors, in addition to special events. However, there is no data to substantiate this conclusion. The DEIR should analyze the project demand for parking for each type of use (identifying the demand factors), assess the impacts accordingly, and recommend appropriate mitigation measures. For example, to manage special events, mitigation measures could include retaining special event personnel to direct traffic flow or there could be off-site, remote parking with a shuttle system to the campus. Also, special events should be required to be scheduled during non-peak traffic periods and to avoid conflicting with other large events in the area.
33. Aside from the traffic roadway and intersection improvements proposed as mitigation, the project should further aim to reduce the number of vehicle trips generated by the school. Other feasible mitigation measures that should be required and outlined in the DEIR include a strong incentive, not just voluntary, program to promote carpooling of students and staff. Also, the hours of the school should be staggered with Agoura High School to minimize the number of vehicles in area intersections during peak traffic hours.
34. Finally, as stated in our previous comments, the applicant should pay the City's Traffic Impact Fee (TIF) based on traffic generation rates. This fee is estimated at \$1.75 million based on a City standard rate of \$2440/per peak hour trip. This should be identified in the DEIR.

### Section 4.3 Noise

35. Page 4.3-18, Mitigation Measure 4.3-3: This measure states that construction truck traffic shall avoid residential areas and other sensitive receptors to the extent feasible. The text should note which residential streets are being referred to, and possible alternate haul routes. Some of these roads, such as Chesebro, are narrow country roads unsuitable for carrying dump trucks. Given the site location and access, and surrounding roadway network, it would be feasible to avoid residential areas. Therefore, this measure should be revised to delete the last phrase "to the extent feasible." The possibility of utilizing residential roadways should not be an option.
36. Page 4.3-20, 2nd paragraph: This text refers to parking lot associated noise. The text states that "these noise levels occur intermittently and are no different from noise already occurring on the streets, driveways, and parking area that exists in the adjacent community." While the *types* of noise generated might be similar, the noise from this project would increase the ambient noise level by adding additional uses. Moreover, the project would add a large parking lot in close proximity to existing residences, which has the potential to be more disruptive than simply adding to ambient noise levels in the area. The DEIR needs to assess the incremental impact of the parking lot noise.
37. As noted in General Comment #2, this section does not adequately analyze potential noise impacts from athletic events, and other cultural or special events that are noted in Section 2.0 Project Description (pages 2.0-2 and 2.0-9 through -10) as potentially occurring. A more detailed discussion of the range of possible events, including maximum attendance, as well as impacts and mitigation measures, needs to be provided. Mitigation measures could include limiting the number of attendees at events, limiting the frequency of special events, or incorporating other specific noise attenuation measures into certain events. Page 4.3-20, 3<sup>rd</sup> paragraph, notes that "noise would be generated during scheduled events such as graduation night, back to school night, or on parent teacher conferences. Such noise would be an annoyance but is not considered a significant impact given that these noise levels are not expected to exceed 45 dB(A) for a cumulative period of 30 minutes in one hour." This text does not address other special recreational or cultural events, nor does it substantiate why the noise levels would not exceed the standard. More specific data needs to be provided.
38. Besides bells/buzzers, would there be a loudspeaker/public announcement system at the school? In particular, would there be such a system for the outdoor athletic events? If so, the DEIR should analyze potential noise impacts from this system and propose mitigation measures as necessary.

#### **Section 4.5 Biological Resources**

39. Page 4.5-2, last paragraph and page 4.5-47: This text states that the last focused on-site surveys of the California gnatcatcher were conducted in June 1998. The table on page 4.5-19 notes that the species was “not detected during focused surveys.” Given that any data collected is now over five years old, a more recent survey seems appropriate in order to accurately estimate the potential for this species to be located on or adjacent to the project site, even though the text notes on pages 4.5-25 and 4.5-47 that USFWS staff indicated in 2003 that no additional focused surveys are required.
40. Page 4.5-3, 1<sup>st</sup> paragraph: The report describes using Holland (1986) as the source for vegetative classification. We suggest that the more recent Manual of California Vegetation (1995) be utilized instead.
41. Page 4.5-36, last sentence of 1<sup>st</sup> paragraph: The loss of nesting species is noted as being a potentially significant impact. However, the discussion of Mitigation Measures on this same page states that the project would not result in significant impacts to any special status animal. It appears that the potentially significant impact is related to possible disturbance of species during nesting season. Therefore, the mitigation measures applying to this impact should be required, not simply recommended.
42. Page 4.5-40, Item 3 Analysis and pages 4.5-49 through -50: The text notes that seven drainage features on-site may be considered regulatory jurisdiction of the ACOE, CDFG, RWQCB and NRCS. However, no jurisdictional delineation of the resources has yet been conducted. To sufficiently determine the extent of project impacts, the jurisdictional analysis needs to be conducted as part of the DEIR. Additionally, potential impacts from mitigation of any such habitat needs to be assessed in the DEIR, particularly if valuable but non-wetland habitats are replaced by wetland habitats. We understand that a final mitigation plan cannot be provided as part of the DEIR, given that regulatory agency review and approval would occur after the CEQA analysis. However, an assessment of potential impacts to wetlands could and should be provided as part of the DEIR, along with a preliminary estimate of possible mitigation approaches. As presented, the analysis provided in the DEIR is too open-ended, especially considering that many of the concerns can be assessed and addressed at this time.

#### **Section 4.6 Geotechnical**

43. Pages 4.6-15 to -16: The text states that the access road off of Canwood Street would require a slope height of up to 50 feet. This violates the County’s Ridgeline Protection Ordinance. The cuts would also violate the Ordinance’s provision of structures to occur 50 feet vertical feet below any significant ridgeline. Notwithstanding the visual impacts of these slopes, would a variance approval be required to violate the County’s Ridgeline Protection Ordinance?

44. Page 4.6-15: The text states that maximum cut slopes of 60 feet and maximum fill slopes of 20 feet are proposed, and acknowledges that such cuts and fills are not consistent with the NAP. It further states that the 50-foot slope at the back of the development is "largely not visible from public view." Is this because it would be screened by the buildings? Since the majority of the grading is to be completed during Phase I and the construction of the buildings occur in later phases, would not the 50-foot high cut slope be visible until such time as the buildings are completed in a later phase? Please clarify this in the DEIR.

#### **Section 4.7 Fire Services and Hazards**

45. The DEIR should mention that Los Angeles County Fire Station No. 89 is currently under construction at 29575 Canwood Street in Agoura Hills. This new fire station, located approximately 1.75 miles from the subject site, is scheduled to be operational in 2006.
46. Pages 4.7-10 through -11 describe the "shelter in place" facility. However, there is no indication where this building would be located on-site and what the building design would look like as viewed from outside. More information regarding the shelter needs to be provided. This is similar to General Comment #1, where it is important for the DEIR to clearly enumerate the proposed improvements/development by phase and provide details accordingly.
47. Figure 4.7-2 indicates an alternate emergency evacuation route at the northerly edge of the site, which would outlet to Chesebro Road. The DEIR should stipulate that this is an emergency access only, and would not be available for use during regular school activities or special events. The DEIR should note the method to be used to limit this access during non-emergency events (e.g., gate) Otherwise, there would likely be significant traffic issues associated with the access, which would need to be analyzed in the DEIR.

#### **Section 4.9 Hydrology and Water Quality**

48. Page 4.9-10, 2<sup>nd</sup> full paragraph: The text notes that the majority of runoff leaving the developed portion of the site will be collected, detained, and released at a controlled rate to the Chesebro Channel. The DEIR does not explain how this will be accomplished. A discussion of these methods should be provided in the DEIR. Additionally, while water quality issues would be addressed as part of the NPDES permit, the project represents an ideal opportunity to incorporate biofilter mechanisms/bioswale (e.g., vegetated swales) into the drainage system before the runoff is carried offsite. The western portion of the project site is already proposed for revegetation, so a biofilter would be consistent with this approach, and will also be more in keeping with the natural character of the area. The biofilter/bioswale would provide a natural means of reducing potential pollutants from the site, and

should be identified as part of the project in the DEIR. Such a system could assist in the project meeting NAP Water Quality policies IV-19 and IV-22.

### Section 5.0 Alternatives

49. Page 5.0-3, Alternative 1 – No Project: The subheading states, “Development Consistent with Existing Land Use Designations.” However, the discussion really pertains to leaving the project site in its current state – no development – which is not the same as developing the site under the current zoning/land use designation, which seems to be the subject of Alternative 2. Please clarify.
50. Page 5.0-4, 3<sup>rd</sup> paragraph: The text states that the proposed project is superior to Alternative 2 – Subdivision with regard to aesthetic impacts, noting that “given the current market conditions and trends in residential construction in the area, it is likely that these homes would be larger in mass and scale as compared to existing residences along the western site boundary.” This may not actually be the case. Residential development, including subdivision layout, if consistent with the NAP and the Old Agoura Overlay District, could be compatible with adjacent residential development, and therefore be aesthetically environmentally superior to the proposed project. Therefore, this discussion needs to be clarified and further researched. In particular, note Policies VI-13 through VI-16 of the NAP stipulating that development be compatible with existing and planned development; provide a transition to surrounding development; limit heights to ensure compatibility with the surrounding setting; and restrict total building square footage and grading to a size that maintains the area’s open character. Moreover, Figure 5.0-1 shows a conventional subdivision design. This alternative could easily demonstrate a layout more compatible with the existing natural setting. Also, there would likely not be a need for the road off of Canwood, rather access for the 13 homes could be taken off Chesebro Road, thereby reducing access impacts. These minor and feasible changes to Alternative 2, which would make the alternative much more preferable from an environmental standpoint, should be addressed in the DEIR.
51. Page 5.0-15, Alternative 4 – Reduced Development Intensity: This alternative proposes that the school structures be limited to one-story in height, accommodate about one-half of the proposed student population, with the proposed auditorium, dedicated library building and separate athletic/play field removed. While environmentally superior, the DEIR notes that this alternative does not meet the project objectives, namely that it would not accommodate the projected student population growth. However, the DEIR does not describe the projected student population growth or what data the projections are based on. This information needs to be provided in the DEIR. The applicant lists a series of objectives that are laudable in attempting to provide a high quality school and facility. However, could not these objectives reasonably be met at a certain lower level of occupancy and intensity of use that does not result in as high an environmental impact on the community? For example, perhaps the student population aimed for could be somewhere between the proposed project’s 750 (847 students and staff) and

Alternative 4's 472 students? Additionally, what is the basis for determining whether the proposed project or Alternative 4 sufficiently provides an "opportunity for public and private youth oriented recreational activity and a community meeting facility? Could not a scaled back development also provide good recreational and community facilities? It seems as though the project objectives reiterated here, and discussed in more detail in Section 2.0, are written such that only a large, state of the art set of facilities would be acceptable. Given that such a project (the proposed project) has several significant environmental impacts that can be substantially reduced or in some cases eliminated with a less intense project, this alternative deserves to be explored further.

52. Page 5.0-21 – 23, including Tables 5.0-1 and -2: The traffic impact analysis seems to compare Alternative 5 – Alternate Means of Access with the No Project Alternative, concluding that the impacts of Alternative 5 are greater than for the No Project. Rather, the DEIR should compare Alternative 5 with the proposed project for a more accurate and useful traffic analysis comparing project alternatives. Please correct and/or clarify this section.

Thank you again for the opportunity to comment on this DEIR for the Heschel School. The City of Agoura Hills looks forward to reviewing the responses to our comments. If you have any questions, please contact Allison Cook, Senior Planner, of my staff at (818) 597-7310.

Sincerely,



Mike Kamino  
Planning and Community Development Director

Cc: Greg Ramirez, City Manager  
Jim Thorsen, Assistant City Manager